

COVID-19: OSHA's National Emphasis Program

Mar 25 2021

Posted By: Steven L. Nelson

Practice Area: OSHA Law and Litigation

On Friday, March 12, 2021, the Occupational Safety and Health Administration (OSHA) launched a National Emphasis Program ("NEP"). The NEP will focus new inspection and enforcement efforts on "companies that put the largest number of workers at serious risk of contracting coronavirus." The purpose of the NEP is to substantially reduce or eliminate coronavirus exposure for workers in companies where risks are high. This program entails both new inspections and follow-up inspections at worksites that were inspected in 2020 to make sure conditions either were corrected or need to be corrected.

The NEP suggests that OSHA enforcement efforts will increase in the coming months specifically directed to coronavirus-related inspections. The first targeted industries will be in health care, which will include physician and dental offices, home health care services, general medical and surgical hospitals, nursing care facilities, and other continued care or assisted living facilities for the elderly. Also targeted will be various meat and poultry processing and animal slaughtering manufacturers, supermarkets, discount stores, full-service restaurants, and correctional institutions. Other sectors will include agriculture, construction, energy, transportation logistics, critical manufacturing, and certain commercial facilities.

There has been substantial information produced by OSHA and the CDC that gives guidance on mitigating and preventing the spread of COVID-19 in the workplace. It will be important for employers to make sure they have their COVID-19 program in place and functioning, and employees trained on all the elements recommended for reducing exposure. Should OSHA visit your business, it is likely they will first ask to see your COVID-19 written program. After reviewing your written program, they will most likely want to inspect your facility to confirm you have instituted the program.

It is anticipated OSHA will be increasing the number of inspectors to assist with these inspections. We anticipate an uptick in the number of inspections for COVID-19, as well as other typical OSHA-related inspections, depending on the type of workplace.

von Briesen & Roper Legal Update is a periodic publication of von Briesen & Roper, s.c. It is intended for general information purposes for the community and highlights recent changes and developments in the legal area. This publication does not constitute legal advice, and the reader should consult legal counsel to determine how this information applies to any specific situation.

