

LEGAL UPDATE

OSHA Releases COVID-19 National Emphasis Program

On March 12, 2021, the Occupational Safety and Health Administration (OSHA) launched a [national emphasis program](#) (NEP) for COVID-19. OSHA establishes NEPs when it identifies a need to focus its resources to address particular hazards and high-hazard industries.

This NEP will remain in effect for one year until March 12, 2022, but OSHA has the ability to amend or cancel the program as needed.

The COVID-19 NEP

Prior OSHA guidance primarily addressed mitigating and limiting the spread of COVID-19. This NEP prioritizes the use of OSHA resources to eliminate and control workplace exposure to COVID-19.

OSHA intends to favor the use of on-site workplace inspections to enforce compliance with this NEP. However, at its discretion, OSHA will conduct remote inspections if on-site inspections cannot be performed safely. OSHA has updated its [interim enforcement response plan](#) to reflect these new areas of focus.

With the release of this NEP, OSHA has also stated it will focus enforcement efforts on employers that are not making good faith efforts to protect workers. OSHA will use reports of work-related deaths and hospitalizations to allocate enforcement resources. To this end, this NEP encourages workers to raise concerns when they perceive employers are failing to protect them from COVID-19.

Next Steps

Employers should familiarize themselves with OSHA's COVID-19 NEP, implementing all policies, measures and procedures necessary for compliance with OSHA regulations. Employers are encouraged to visit [OSHA's COVID-19 website](#) for guidance on how to comply with workplace safety requirements.

Important Dates:

March 12, 2021

OSHA releases COVID-19 program for protection of high-risk workers.

March 18, 2021

OSHA is expected to rescind the 2020 memorandum on this topic and adopt the interim enforcement response plan until further notice.

OSHA's COVID-19 NEP promotes measures to substantially reduce or eliminate COVID-19 exposure in high-risk workplaces.

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