

OSHA COVID-19 EMERGENCY TEMPORARY STANDARD SUMMARY

June 11, 2021

On June 10, 2021, the Occupational Health and Safety Administration (OSHA) released an Emergency Temporary Standard (ETS) specific to COVID-19 in the workplace.¹ Notably the ETS will only apply to health care settings where workers face the highest COVID-19 hazards. These include: “hospitals, nursing homes, and ***assisted living facilities***; emergency responders; home healthcare workers; and employees in ambulatory care facilities where suspected or confirmed COVID-19 patients are treated.” OSHA also prepared a summary² and fact sheet³ of the COVID-19 ETS. Below is a brief summary of the major requirements outlined in the ETS.

NOTE EXEMPTIONS: The ETS exempts fully vaccinated workers from the masking, distancing, and barrier requirements outlined below when in well-defined areas where there is no reasonable expectation that any person with suspected or confirmed COVID-19 will be present.

COVID-19 Plan and Patient Screening. The ETS requires employers to conduct a hazard assessment and implement a COVID-19 plan for each workplace. Employers must engage employees in the development of the plan. Furthermore, the ETS requires employers to screen and triage patients, clients, residents, delivery people and other visitors and nonemployees entering the setting for symptoms of COVID-19, and implement patient management strategies. Employers must also develop and implement policies and procedures to adhere to Standard and Transmission-Based Precautions in accordance with CDC guidelines.

PPE. The ETS requires employers to ensure employees wear facemasks when indoors and when occupying a vehicle with another person for work purposes. Furthermore, employers must provide and ensure employees wear respirators and other personal protective equipment (PPE) for exposure to people with suspected or confirmed COVID-19 and for aerosol-generating procedures (AGPs) on a person with suspected or confirmed COVID-19, as well as provide respirators and other PPE in accordance with Standard and Transmission Based Precautions.

Employees. Employers must keep employees at least 6 feet apart from all other people when indoors, and install cleanable or disposable solid barriers at fixed work spaces in non-patient areas where employees are not separated from others by at least 6 feet. Furthermore, employers must: 1) screen employees before each work day and shift; 2) notify certain employees if a person who has been in the workplace is COVID-19 positive; and 3) remove employees who have suspected or confirmed COVID-19, certain COVID-19 symptoms, or have had close contact to a person who is COVID-19 positive in the workplace. In some cases, employers will have to provide pay and benefits to employees removed from the workplace, and provide reasonable time and paid leave

¹ Occupational Safety and Health Administration, *COVID-19 Emergency Temporary Standard*, 29 CFR § 1910.502 (June 10, 2021), <https://www.osha.gov/sites/default/files/covid-19-healthcare-ets-reg-text.pdf>.

² Occupational Safety and Health Administration, *COVID-19 Healthcare ETS Summary*, <https://www.osha.gov/sites/default/files/publications/OSHA4120.pdf>.

³ Occupational Safety and Health Administration, *COVID-19 Healthcare ETS Fact Sheet*, <https://www.osha.gov/sites/default/files/publications/OSHA4123.pdf>.

for vaccinations and vaccine side effects (offset by tax credits for employers with fewer than 500 employees). Employers also have to train employees on workplace policies and procedures regarding COVID-19 in a language they understand.

Disinfection and Ventilation. The ETS requires employers to follow standard practices for cleaning and disinfection of surfaces and equipment in accordance with CDC guidelines in patient care areas, resident rooms, and for medical devices and equipment. In all other areas, employers must clean high-touch surfaces and equipment at least once a day. Furthermore, employers must provide alcohol-based hand rub that is at least 60% alcohol or provide readily accessible handwashing facilities.

As for ventilation, employers must ensure employer-owned or controlled HVAC systems are used according to manufacturer's instructions and design specifications, and that air filters are rated Minimum Efficiency Reporting Value (MERV) 13 or higher if the system allows it.

Recordkeeping and Reporting. The ETS requires employers to record all employee cases of COVID-19 on a COVID-19 log without regard to occupational exposure. Furthermore, employers must report work-related COVID-19 fatalities to OSHA within 8 hours of employer knowledge and work-related COVID-19 in-patient hospitalizations within 24 hours.

Effective Date. The ETS still has not been published in the Federal Register. The ETS will become effective immediately upon publication in the Federal Register. Employers must comply with most provisions within 14 days of that date, and with the remaining provisions within 30 days.