

## OSHA COVID-19 Update

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As COVID-19 cases have continued to rise across the United States, so have COVID-related OSHA complaints and investigations. OSHA has been tracking statistics on COVID-related complaints, referrals, inspections, and citations on a daily basis and [posting the results](#) posting the results on its website.

Federal OSHA has initiated over 1,000 investigations related to COVID-19. As of October 22, 2020, OSHA had issued [just under 150 COVID-related citations](#). As we have previously reported, OSHA has not developed standards specific to COVID-19, but it is applying existing OSHA standards to COVID-related concerns. Some of the more frequently cited standards in these citations tend to fall into similar categories:

- **Respiratory protection**: employers have been cited for lack of a written respiratory protection program, failure to perform fit testing and provide a medical evaluation to determine an employee's ability to use a respirator, lack of adequate training.
- **General PPE requirements**: employers have been cited for failure to assess the workplace to determine if hazards are present that require the use of PPE and failure to train employees on proper PPE use.
- **Recordkeeping and Reporting**: employers have been cited for failure to properly record work-related COVID illnesses and report work-related COVID hospitalizations.
- **General Duty Clause**: employers have been cited for failure to provide a work environment "free from recognized hazards that are causing or are likely to cause death or serious physical harm" as required by the General Duty Clause of the OSH Act.

State plan states have also been busy inspecting OSHA-related complaints, with over 3,500 inspections to date. While inspections have been taking place all over the country, many of the inspections have been focused in OSHA Region 2 (New York and New Jersey) and Region 5 (Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota).

Perhaps not surprisingly, COVID-related OSHA complaints have targeted industries that have remained at work through the pandemic, as well as those with a high potential for exposure. To that end, many complaints have been received in the healthcare industry, but other employers have not been spared. A considerable number of complaints are also being filed for the retail and food industries, courier and delivery industries, and the warehousing and storage industries.

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