

OSHA Tells Employers to Follow CDC Mask Guidance

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In a sign that the COVID-19 pandemic's impact is waning and vaccines are having an impact on the spread of the virus, on May 13, 2021, the Centers for Disease Control and Prevention (CDC) [announced](#) that fully vaccinated people may resume their pre-COVID-19 pandemic activities without wearing a mask, except where required by, among other things, federal or state law and local business and workplace guidance and rules.

Though welcome news for many, the CDC's announcement left employers wondering whether they still needed to, or should, require fully vaccinated employees to wear face coverings consistent with the Occupational Safety and Health Administration's (OSHA) Jan. 29, 2021, COVID-19 non-mandatory guidance, titled "Protecting Workers: Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace."

On May 17, OSHA answered the question: "No." On its website, the workplace safety agency instructed employers to follow the CDC's recent mask guidance for employees who are fully vaccinated. OSHA's announcement, however, does not apply to activities in the health care industry (see CDC announcement for some additional exceptions). OSHA plans to update its non-mandatory COVID-19 safety and health guidance based on the CDC's new mask guidance.

Although OSHA has given employers the "green light" to permit fully vaccinated employees to stop wearing face coverings in the workplace, employers must still adhere to state and local mask mandates. To date, not all states and localities have withdrawn their mask mandates; some states, like California, Virginia, Michigan, and Oregon, have workplace safety regulations related to COVID-19 that specifically require employees to wear face coverings in the workplace without regard to whether an employee is fully vaccinated. As such, employers should review state and local mandates and regulations when considering whether to roll back their employee face-covering requirement.

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