

OSHA Publishes Updated COVID-19 Guidance

Article By:

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On June 21, 2021, OSHA made big news by publishing its COVID-19 [Emergency Temporary Standard](#) for the Healthcare Industry (ETS). While the ETS does not apply to most manufacturing facilities, OSHA also updated its general COVID-19 [guidance](#) earlier this month.

This guidance is intended to assist all employers and workers not subject to the ETS in mitigating the spread of COVID-19. The main recommendations in the guidance are summarized below:

- **Workplaces with Fully Vaccinated Employees.** Employers no longer need to take as many steps to protect fully vaccinated employees from COVID-19. However, unvaccinated or at-risk workers still need to be protected. As such, employers are strongly advised to support their employees in getting vaccinated by granting them paid time off to receive the vaccine and paid time off to recover from any of vaccine side effects.
- **Protecting Unvaccinated or At-Risk Employees:**
 - **Work from home.** Any COVID-19 infected workers, or ones who have had close contact with someone who tested positive for COVID-19, should work from home, or receive paid time off as needed.
 - **Physical distancing.** Unvaccinated and at-risk workers should maintain a 6 feet distance from others, or be separated at fixed workstations behind transparent shields or other solid barriers.
 - **Facemasks.** Employers should provide facemasks at no cost for their unvaccinated and at-risk workers. Employers should also suggest that unvaccinated visitors wear facemasks in the workplace.
- **Other workplace safety guidelines:**
 - **Educating Employees on COVID-19.** Managers should be trained on COVID-19 transmission risks and be frequently updated on any workplace COVID-19 policies. Employees should also be informed of their rights to protection against COVID-19 in the workplace.

- **Ventilation Systems.** Employers should maintain adequate ventilation systems. Air filters with a Minimum Efficiency Reporting Value (MERV) 13 or higher should be installed where feasible.
- **Cleaning and disinfection.** If someone who has been in the facility within 24 hours is suspected of having or confirmed to have COVID-19, the [CDC cleaning and disinfection recommendations](#) should be followed.
- **Record and report.** Employers are responsible for recording work-related cases of COVID-19 illness on Form 300 logs. Employers must also follow regulatory requirements when [reporting COVID-19 fatalities and hospitalizations to OSHA](#).
- **Retaliation.** No employees should be discharged or discriminated against for raising a reasonable concern about workplace COVID-19 infection, or exercising any of their rights under the COVID-19 policies and procedures.
- **Other applicable mandatory OSHA standards.** All of OSHA's standards that apply to protecting workers from infection remain in place. These mandatory OSHA standards include: requirements for personal protective equipment, respiratory protection, sanitation, protection from bloodborne pathogens, OSHA's requirements for employee access to medical and exposure records and, of course, the General Duty Clause.

Thank you to [Jonathan Schaefer](#) for his contributions to this post. Jon focuses his practice on environmental compliance counseling, occupational health and safety, permitting, site remediation, and litigation related to federal and state regulatory programs.

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