

OSHA Suspends Implementation and Enforcement of COVID-19 Vaccine and Testing Mandate

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On Nov. 16, 2021, the Occupational Safety and Health Administration (OSHA) suspended its implementation and enforcement activities of the COVID-19 Emergency Temporary Standard it published on Nov. 5, 2021.

The agency posted a brief statement on its webpage stating: “While OSHA remains confident in its authority to protect workers in emergencies, OSHA has suspended activities related to the implementation and enforcement of the ETS pending future developments in the litigation.”

Also on Nov. 16 2021, a multi-district litigation panel of the United States Courts identified the Sixth Circuit Court of Appeals as the court which would be given jurisdiction to resolve a multiplicity of petitions challenging the statutory and constitutional authority of OSHA to issue the ETS. As OSHA noted, the Fifth Circuit Court of Appeals had previously issued a stay prohibiting the agency from implementing and enforcing the ETS.

The agency has not identified if, or when, it will resume the implementation and enforcement of its ETS.

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