

## **OSHA & COVID-19: *Where Are We At?***

### **The Supreme Court has effectively blocked OSHA’s COVID {Vaccination}ETS: Designed to Increase Vaccination Rates**

OSHA’s promulgation of a Emergency Temporary Standard this past November {2021} designed to increase vaccination rates, period (Vaccination) ETS covers all firms (with 100 or more employees) under OSHA’s jurisdiction; that is most of the private sector from construction to transportation to retail, more than 84 million workers— This OSHA (Vaccination) ETS directed employers to have a policy that will A] Determine the vaccine status of all employees; B} Requires employees to be vaccinated or if unvaccinated to submit to weekly COVID testing also wear a mask in congregate work setting. [Without requiring employers to pay for testing, nor face coverings].C} Require employees to report to the employer if they test positive for COVID-19 or receive a COVID-19 diagnosis. Employers must then remove the employee from the workplace, regardless of vaccination status.

- *At the same time the court did rule that the Centers for Medicare and Medicaid services could mandate vaccinations in any hospitals and long-term care facilities that receive Medicare or Medicaid funds. That’s about 17 million workers at approximately 76,000 health care facilities,*

Meanwhile we salute Sen. Whitehouse and others who have signed on to Senator Gillebrand’s appeal to President Biden and Secretary Walsh reverse the withdrawal of the {Healthcare} COVID Emergency Temporary Standard.

*In June 2021 OSHA issued a {Healthcare} COVID Emergency Temporary Standard covered about 10.3 million healthcare workers at hospitals, nursing homes, and assisted living facilities, as well as emergency responders and home healthcare workers. Every OSHA ETS has a statutory deadline—six months; after that it then must be replaced with a permanent final rule. The [Healthcare] ETS has hit that automatic deadline this December. And OSHA has announced that a final rule cannot be completed in the timeframe required by the OSH Act, so OSHA is withdrawing most of the stated requirements of the {Healthcare} ETS.*

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