



OSHA Launches COVID-19 Enforcement National Emphasis Program

On March 12, 2021 OSHA launched a National Emphasis Program to protect high-risk workers from COVID-19 hazards. This program focuses OSHA enforcement efforts on companies that put the largest number of workers at serious risk of contracting the coronavirus. The program also prioritizes employers that retaliate against workers for complaints about unsafe or unhealthy conditions, or for exercising other rights protected by federal law. Within 60 days, State Plans must submit a notice of intent indicating whether they already have a substantially similar policy in place, intend to adopt new policies and procedures, or do not intend to adopt this direction.

The goal of the COVID-19 National Emphasis Program is to reduce or eliminate worker exposures to the SARS-CoV-2 by targeting industries and worksites where employees may have a high frequency of close contact exposures and therefore, controlling the health hazards associated with such exposures.

The plan is to perform enforcement under three types of inspections. These include Un-programmed Inspections, Follow-up Inspections, and Programmed Inspections. OSHA anticipates that the majority of the inspections will continue to occur in general industry, particularly in healthcare, based on current OSHA enforcement data showing higher COVID-19-related complaints, referrals and severe incident reports at healthcare worksites.

- **Un-programmed Inspections** include Fatality/Catastrophe, Complaints or Referrals for any General Industry or Construction operation alleging potential exposures to COVID-19. The priority for onsite inspections will be given to those locations with higher potential for exposures such as hospitals, assisted living, and other healthcare facilities. Allegations of potential worker exposures where insufficient controls are in place such as PPE, or involving workers suspected or confirmed positives will also be given priority for onsite inspections.
- **Follow-up Inspections** will be conducted for establishments that were previously inspected as a result of a COVID-19 fatality and were cited.
- **Programmed Inspections** include those scheduled for High-Hazard Industries listed on OSHAs Primary and Secondary Target Industries for COVID-19 NEP lists. The Primary list includes both healthcare and non-healthcare industries (the following is not a complete list):
 - **Primary List Healthcare Industries:** NAICS CODE; 621210 Ambulance Services, NAICS CODE; 622110 General Medical and Surgical Hospitals, NAICS CODE; 623110 Nursing Care Facilities, NAICS CODE; 623312 Assisted Living Facilities for the Elderly
 - **Primary List Non-Healthcare Industries:** NAICS CODE; 311612 Meat Processed from Carcasses, NAICS CODE; 311615 Poultry Processing, NAICS CODE; 445110 Supermarkets and other Grocery, NAICS; 493110 General Warehousing and Storage, NAICS CODE; 561320 Temporary Help Services
 - **Secondary Supplementary List:** NAICS CODE; 236XXX Construction of Buildings, NAICS CODE; 237XXX Heavy and Civil Engineering Construction, NAICS CODE; 311XXX Food

Manufacturing, NAICS CODE; 321XXX Wood Manufacturing, NAICS CODE; 322XXX Paper Manufacturing, NAICS CODE; 32412X Asphalt Paving and Roofing, NAICS CODE; 326XXX Plastics and Rubber Product Manufacturing, NAICS CODE; 331XXX Primary Metal Manufacturing, NAICS CODE 332XXX Fabricated Metal Product Manufacturing, NAICS CODE; 44422X Nursery, Garden Center, and Farm Supply Stores

- **Whistleblower Protections** are also being protected and employers that engage in retaliation against employees that report or complain about unsafe or unhealthful conditions will incur enforcement action.
- **Cooperative Programs** that employers are participating in such as the Voluntary Protection Program (VPP), may offer exemptions from programmed inspections.

It is recommended that employers follow the CDC recommendations and take the following steps to prevent the spread of COVID-19: Use of face coverings or masks throughout the workplace. Actively encourage sick employees to stay home. Accommodate employees through social distancing or telework (if possible). Emphasize proper respiratory etiquette and hand hygiene by all employees. Perform routine environmental cleaning. Check government websites (CDC, State Department) for any travel advisories (where applicable), and plan for infection disease outbreaks in the workplace.

The full article and complete Targeted Industry Lists can be found here:

<https://www.osha.gov/news/newsreleases/national/03122021>

