

## OSHA WITHDRAWS COVID-19 HEALTHCARE EMERGENCY TEMPORARY STANDARD, VOWS TO USE GENERAL DUTY CLAUSE

The Occupational Safety and Health Administration (OSHA) has announced that it is withdrawing most of the Emergency Temporary Standard for healthcare employers (Healthcare ETS) it promulgated more than six months ago.

The agency did not withdraw recordkeeping provisions requiring COVID-19 logs and case reports, as they were promulgated under separate provisions of the Occupational Safety and Health Act (OSH Act).

1. The introduction to this article in the link below was published by National Law Review on Thursday 12/29/2021.<sup>1</sup>

<https://www.natlawreview.com/article/osha-withdraws-covid-19-healthcare-emergency-temporary-standard-vows-to-use-general>

2. The information summarizes the message on the OSHA COVID-19 Healthcare ETS page at osha.gov.

<https://www.osha.gov/coronavirus/ets>

3. Both state that OSHA has withdrawn the Healthcare ETS but urges employers to continue to use the framework and guidelines for employee protection.

4. OSHA stressed that they will vigorously enforce the provisions of the Healthcare ETS using the existing standards including:

- The General Duty Clause
- Personal Protective Equipment – General Requirements
- Personal Protective Equipment – Respiratory Protection

5. The provisions for recordkeeping requiring COVID -19 logs and case reports is still in effect since it was promulgated under separate orders. Employers must continue to:

- Maintain COVID-19 logs of positive COVID-19 cases of employees, regardless of whether those cases are work-related (for employers with more than 10 employees)
- Report work-related COVID-19 inpatient hospitalizations within 24 hours and work-related fatalities within eight hours of learning of such events to OSHA (regardless of the number of employees)

6. In addition, according to OSHA's FAQs for its vaccine-or-test ETS, healthcare employers with at least 100 employees are required to comply with OSHA's vaccine-or-test ETS because the Healthcare ETS is no longer in effect.

<https://www.osha.gov/coronavirus/ets2/faqs>

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<sup>1</sup> Courtney M. Malveaus "et. al.", "OSHA Withdraws Covid-19 Healthcare Emergency Temporary Standard, Vows To Use General Duty Clause," *National Law Review*, vol. XI, no. 363, 2021.