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Federal COVID-19 ETS On Hold

Most employers anticipated issuance of a new federal COVID-19 Emergency Temporary Standard (ETS) from the U.S. Occupational Safety and Health Administration (OSHA) by the March 15 deadline set by President Biden in his [January Executive Order](#). Now, it appears unclear as to whether the ETS will be issued at all.

In an [interview](#) on April 6, 2021, the U.S. Department of Labor Secretary, Marty Walsh, placed implementation of the ETS “on hold” in order to have time to review and reflect on “the latest scientific analysis of the state of the disease.” Specifically, Secretary Walsh seeks an update based on the latest information from the U.S. Centers for Disease Control and Prevention (CDC) regarding the “state of vaccinations and the variants” before proceeding.

While a federal ETS would set a national COVID-19 safety standard, many now question its necessity following the increase of vaccinated workers across the country. As the urgency for a federal standard declines, the ETS may be on hold indefinitely or, if issued, may be limited in scope compared to state ETS counterparts.

We will continue to keep you advised. Please contact your Kutak Rock attorney or any of the attorneys in the [OSHA Compliance & Workplace Safety Group](#) or [Employment Law Group](#) if you would like to discuss further.

