**AFS OSHA COVID-19 Update – March 16, 2021**

**OSHA Launches a COVID-19 National Emphasis Program, Plans to Ramp Up Coronavirus-Related Inspections -** On March 12, 2021, the Occupational Safety and Health Administration (OSHA) published its [COVID-19 National Emphasis Program](https://www.osha.gov/sites/default/files/enforcement/directives/DIR_2021-01_CPL-03.pdf) (NEP).  The Directive lays out OSHA’s policies and procedures for ensuring that employees in high-hazard industries or work tasks are protected from the hazard of contracting COVID-19*.* The program, which is slated to last one year but could be extended if necessary, will prioritize onsite coronavirus-related inspections.

OSHA explained that inspections under the COVID-19 NEP will include some follow-up inspections of worksites previously inspected by OSHA in 2020, but principally will focus on establishments in industries identified on targeting lists. **Primary metals/metalcasters are included under the Supplemental Essential Critical Infrastructure Industries** (see Appendix A below).

The agency underscored it will prioritize companies that put the largest numbers of workers at serious risk of contracting the coronavirus and employers that retaliate against workers who exercise rights protected by federal law or make complaints about unsafe or unhealth conditions. To date, OSHA has cited employers for COVID-19 violations primarily under its respiratory, reporting/recordkeeping, and PPE standards. It is possible that under the Biden Administration the agency could turn to the General Duty Clause more often under its NEP.

OSHA has also updated its Interim Enforcement Response Plan to prioritize and detailed the use of on-site and remote workplace inspections. This guidance goes into effect March 18, 2021, until further notice and rescinds the memorandum from May 26, 2020.

Note - March 15 was the deadline that the Biden Executive Order gave OSHA to issue a Covid-19 emergency temporary standard (ETS), if the agency determined a rule is needed. No announcement has been made yet from the agency. AFS plans to submit comments on an OSHA ETS standard.

**APPENDIX A (Primary Target List) and APPENDIX B (Supplemental Industries List):**

Targeted Healthcare Industries:

* 621111 Offices of Physicians (except Mental Health Specialists)
* 621210 Offices of Dentists
* 621610 Home Health Care Services
* 621910 Ambulance Services
* 622110 General Medical and Surgical Hospitals
* 622210 Psychiatric and Substance Abuse Hospitals
* 622310 Specialty (except Psychiatric and Substance Abuse) Hospitals
* 623110 Nursing Care Facilities (Skilled Nursing Facilities)
* 623210 Residential Intellectual and Developmental Disability Facilities
* 623311 Continuing Care Retirement Communities
* 623312 Assisted Living Facilities for the Elderly

Targeted Non-Healthcare Industries:

* 311612 Meat Processed from Carcasses
* 311611 Animal (except Poultry) Slaughtering
* 311615 Poultry Processing
* 445110 Supermarkets and Other Grocery (except Convenience) Stores
* 452112 Discount Department Stores
* 493110 General Warehousing and Storage
* 561320 Temporary Help Services\*
* 722511 Full-Service Restaurants
* 722513 Limited-Service Restaurants
* 922140 Correctional Institutions

Supplemental Essential Critical Infrastructure Industries:

* 11xxxx Agriculture, Forestry, Fishing and Hunting
* 236XXX Construction of Buildings
* 237XXX Heavy and Civil Engineering Construction
* 238XXX Specialty Trade Contractors
* 311xxx Food Manufacturing
* 3121xx Beverage Manufacturing
* 321xxx Wood Product Manufacturing
* 322xxx Paper Manufacturing
* 32412x Asphalt Paving, Roofing, and Saturated Materials Manufacturing
* 32419x Other Petroleum and Coal Products Manufacturing
* 325xxx Chemical Manufacturing Chemical
* 326xxx Plastics and Rubber Product Manufacturing Transportations and Logistics
* 327xxx Nonmetallic Mineral Product Manufacturing
* 331xxx Primary Metal Manufacturing
* Sector 332xxx Fabricated Metal Product Manufacturing
* 333xxx Industrial Machinery Manufacturing
* 334xxx Computer and Electronic Product Manufacturing
* 335xxx Electrical Equipment, Appliance, and Component Manufacturing
* 336xxx Transportation Equipment Manufacturing
* 33711x Wood Kitchen Cabinet and Countertop Manufacturing
* 3399xx Other Miscellaneous Manufacturing
* 44422x Nursery, Garden Center, and Farm Supply Stores
* 445xxx Additional Food and Beverage Stores
* 4523xx General Merchandise Stores, including Warehouse Clubs and Supercenters
* 4851xx Urban Transit Systems
* 4852xx Interurban and Rural Bus Transportation
* 4854xx School and Employee Bus Transportation
* 485991 Special Needs Transportation
* 491xxx Postal Service
* 54142x Industrial Design Services
* 811219 Other Electronic and Precision Equipment Repair and Maintenance
* 81131x Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance