



ILA-USMX JOINT SAFETY COMMITTEE

OSH ALERT 2021-11 [04 November 2021]

OSHA Issues Emergency Temporary Standard in re COVID-19 Vaccination/Testing



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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910, 1915, 1917, 1918, 1926, and 1928

[Docket No. OSHA-2021-0007]

RIN 1218-AD42

COVID-19 Vaccination and Testing; Emergency Temporary Standard

AGENCY: Occupational Safety and Health Administration (OSHA), Department of Labor

ACTION: Interim final rule; request for comments.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is issuing an emergency temporary standard (ETS) to protect unvaccinated employees of large employers (100 or more employees) from the risk of contracting COVID-19 by strongly encouraging vaccination. Covered employers must develop, implement, and enforce a mandatory COVID-19 vaccination policy, with an exception for employers that instead adopt a policy requiring employees to either get vaccinated or elect to undergo regular COVID-19 testing and wear a face covering at work in lieu of vaccination.

The ILA~USMX Joint Safety Committee (JSC) has obtained an advance copy of OSHA's Emergency Temporary Standard (ETS) for COVID-19 vaccination/testing, which we expect will be published in tomorrow's edition of the **FEDERAL REGISTER**.

We provide a link that will allow access to the pdf-formatted notice:

<https://public-inspection.federalregister.gov/2021-23643.pdf>

The vaccination component's compliance date is set at 30 days after publication in the **FEDERAL REGISTER**; the testing component's compliance date is set at 60 days after publication.

Given that the linked-to notice consumes some 490 pages, our related opinions and advice would likely be considered somewhat premature. We continue through our review.

Nonetheless, there appear to be several areas within the ETS' scope and application sections that will require negotiation and agreement between ILA and USMX principals. We're certain that those areas are resolvable, and place great confidence in the parties' abilities to work through them.

Got a question about this particular subject? Write to the JSC at: blueoceana@optonline.net

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