

OSHA Virus Emergency Rule Looms as Potent Weapon for Litigation

Friday, February 12, 2021

David Barron and John Ho were quoted in *Bloomberg Law* discussing COVID-19 OSHA citations. David said while he doesn't expect an influx of virus litigation brought by workers due to a possible standard, he does think courts' admissibility standards towards COVID-19 OSHA citations may be affected. "When those cases come, and I think they will come, courts will have a hard time figuring out what evidence to let in and what not to let in," he said.

John says he believes workers will still have a very high bar to meet when using OSHA citations to prove their negligence and wrongful death cases, despite a new rule. "Workers' comp is supposed to be the exclusive remedy and the bar is pretty high," he said, adding that he believes evidence of a COVID-19 citation under a new ETS may help workers that bring a compensation claim.

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