

Former OSHRC Chair Sees Precedent Shaping OSHA's COVID-19 Plans

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Jim Sullivan was quoted in Inside OSHA Online discussing the Biden administration's OSHA plan. Jim says he expects aggressive action from the Biden OSHA, especially related to the COVID-19 pandemic, which will likely tee up new cases before the review commission, which hears administrative appeals of proposed enforcement penalties. "It'll be interesting to watch how they handle this request to reinvigorate and improve compliance," he said. While OSHA has yet to release a long-expected emergency temporary standard (ETS) for COVID-19, it designated the pandemic as the subject of a National Emphasis Program (NEP) on March 12, setting new criteria for inspecting workplaces that present a high risk of infection. Jim said that decision will almost certainly lead to a fresh wave of citations under existing requirements, such as respiratory protection standards or the OSH Act's general duty clause, where inspectors find inadequate protections from the pandemic. "I imagine that there are already healthcare employers that are getting visited today or getting calls," he said.

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