



Biden Executive Order regarding OSHA and COVID-19 Ushers in Changes

On January 21, 2021, President Biden issued the “Executive Order on Protecting Worker Health and Safety,” available [here](#), along with numerous other executive orders addressing COVID-19. The order directs the Occupational Safety and Health Administration (OSHA) to:

- Issue revised guidance to employers on workplace safety during the COVID-19 pandemic, by February 4, 2021;
- Consider whether any emergency temporary standards on COVID-19, including regarding masks in the workplace, are necessary, and if necessary, issue them by March 15, 2021 (expedited approval measures apply to such emergency standards);
- Review OSHA’s enforcement efforts related to COVID-19 and identify changes that could better protect workers and ensure equity in enforcement;
- Launch a national program to focus OSHA enforcement efforts related to COVID-19 on violations that put the largest number of workers at serious risk or are contrary to anti-retaliation principles; and
- Conduct a multilingual outreach campaign to inform workers and their representatives of their rights under applicable law, placing a special emphasis on communities hit hardest by the pandemic.

The executive order also directs as follows:

- OSHA shall coordinate with States that have OSHA-approved occupational safety and health plans to ensure that workers covered by such plans are adequately protected from COVID-19, consistent with any revised guidance or emergency temporary standards issued by OSHA;

- In States without OSHA-approved plans, OSHA shall consult with State and local government entities with responsibility for public employee safety and health and with public employee unions to bolster protection from COVID-19 for public sector workers;
- The Secretaries of Agriculture, Labor, Health and Human Services, Transportation, and Energy, in consultation with other appropriate agencies, shall explore mechanisms to protect workers not protected under the OSH Act so that they remain healthy and safe on the job during the COVID-19 pandemic; and
- The Mine Safety and Health Administration shall consider whether any emergency temporary standards on COVID-19 applicable to coal and metal or non-metal mines are necessary, and if so, issue them as soon as practicable.

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