

Henderson Brothers Risk Control: COVID-19 National Emphasis Program

On March 12, 2021, the Occupational Safety and Health Administration (OSHA) launched a National Emphasis Program (NEP) for COVID-19. The NEP is designed to guarantee that employers have procedures in place to protect their employees from contracting and spreading COVID-19. The NEP also spotlights whistleblower protection enforcement for workers who face retaliation for reporting unsafe or unhealthy workplace conditions.

OSHA compliance officers will target high-hazard industries and will supplement OSHA's nonprogrammed COVID-19 inspections initiated for complaints, referrals, and severe incident reports including COVID-19 related hospitalization and deaths. Employers that knowingly expose employees to the health hazards associated with COVID-19 without appropriate control measures can be subject civil and criminal penalties.

OSHA is evaluating industries for inspections based on a primary or secondary status. Primary industries include:

- Health care and long-term care service providers including assisted living
- Meat and poultry processing
- Correctional facilities and institutions
- Discount stores, grocers and supermarkets
- Restaurants and food service
- Warehousing and storage operations

Secondary industries targeted by the NEP include:

- Construction services
- Manufacturing, including essential manufacturers
- Energy supply and distribution
- Agriculture operations and farming
- Transportation including goods and people
- Department stores and large retail

The NEP does not replace any State OSHA plans or regulations such as those in Virginia and California. The NEP also does not replace state and local health official requirements. Violations of state and local health polices may result in OSHA NEP referrals.

The best course of action your business can take now is to continue to actively mitigate health and safety threats presented by COVID-19. The COVID-19 NEP will remain in effect for one year, but may be amended, or canceled by OSHA as needed. If you need any support, please contact your risk control representative or email RiskControl@hb1893.com.