



ILA-USMX JOINT SAFETY COMMITTEE

OSH ALERT 2021-03 [18 March 2021]

COVID-19 & OSHA

A Prospective to Consider

An Executive Order signed by President Biden on 21 January 2021 directs the Secretary of Labor, acting through the Assistant Secretary of Labor for OSHA, to:

“(b) consider whether any emergency temporary standards on COVID-19, including with respect to masks¹ in the workplace, are necessary, and if such standards are determined to be necessary, issue them by March 15, 2021;”

[Emphasis supplied]

We understand that the “drop dead date” of March 15, 2021 occurred three days ago and that OSHA has failed to timely respond to the literal direction of the foregoing paragraph within the Executive Order. We can conjecture as to why OSHA has not formally made its determination... but won't do so here.

One thing appears relatively certain: In the coming days, OSHA will likely make a determination that an emergency temporary standard (ETS) addressing potential COVID-19 workplace exposures is necessary. What will be included within any such ETS is presently a matter of some controversy and debate.

Earlier this year, however, OSHA published a document entitled, **“Protecting Workers: Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace.”** In that document, labor and management constituents of the ILA~USMX Joint Safety Committee have the opportunity to review what the agency's current thoughts may be with regard to potential regulatory avenues it may pursue.

We provide a link to that guidance here:

<https://www.osha.gov/coronavirus/safework>

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

¹ The issue of mask wearing within seaport transportation hubs has been affirmatively decided by an Order issued by the Centers for Disease Control & Prevention last month. If OSHA mandates workplace mask wearing, however, all workplaces (including those workplaces within the 17 States that have no general mask wearing requirement) would be obliged to comply with the OSHA mandate.

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