

## OSHA Updated Interim Enforcement Response Plan for COVID-19

OSHA's enforcement of workplace safety and health requirements will reduce the risk of workplace transmissions of SARS-CoV-2. The agency's updated Response Plan prioritizes enforcement and focuses on employers that are not making good faith efforts to protect workers.

The following summarizes OSHA's updated strategy:

- OSHA will continue to implement the U.S. Department of Labor's (DOL) COVID-19 Workplace Safety Plan to reduce the risk of COVID-19 transmission to OSHA CSHOs during inspections.
- Pursuant to the March 12, 2021, National Emphasis Program (NEP) for COVID-19, [DIR 2021-01 \(CPL-03\)](#), OSHA will prioritize COVID-19-related inspections involving deaths or multiple hospitalizations due to occupational exposures to COVID-19. In addition, this NEP will include the added focus of ensuring that workers are protected from retaliation.
- Where practical, OSHA will perform on-site workplace inspections:
  - OSHA's goal is to identify exposures to COVID-19 hazards, ensure that appropriate control measures are implemented, and address violations of OSHA standards and the General Duty Clause.
  - OSHA will at times use phone and video conferencing, in lieu of face-to-face employee interviews, to reduce potential exposures to CSHOs. In instances where it is necessary and safe to do so, in-person interviews shall be conducted.
  - OSHA will also minimize in-person meetings with employers and encourage employers to provide documents and other data electronically to CSHOs.
  - In all instances, Area Directors (AD) will ensure that CSHOs are prepared and equipped with the appropriate precautions and personal protective equipment (PPE) when performing on-site inspections related to COVID-19 and throughout the pandemic.
  - To the extent possible, all inspections should be conducted in a manner to achieve expeditious issuance of COVID-19-related citations and abatement.
- In cases where on-site inspections cannot safely be performed (e.g., if the only available CSHO has reported a medical contraindication), the AD will approve remote-only inspections that may be conducted safely.
- Inspections conducted entirely remotely will be documented and coded N-10-COVID-19 REMOTE.

*NOTE: CSHOs who believe they may have been exposed to SARS-CoV-2 during an inspection must immediately report the potential exposure to their supervisor and/or AD.*

The Office of Occupational Medicine and Nursing (OOMN) will provide assistance to ADs and CSHOs and serve as a liaison with relevant public health authorities. OOMN can also facilitate Medical Access Orders (MAOs) necessary to obtain worker medical records from employers and healthcare providers.

All enforcement and compliance assistance activities must be appropriately coded to allow for tracking and program review. This includes COVID-19 activity, which should continue to be coded in the OSHA Information System (OIS), in accordance with the COVID-19 NEP, DIR 2021-01 (CPL-03).

Attached is specific inspection and citation guidance for potentially applicable OSHA standards and the General Duty Clause, including new guidance related to the COVID-19 NEP. This guidance is being provided to the OSHA-approved State Plans for informational purposes only. If you have any questions regarding this policy, please contact the Office of Health Enforcement at (202) 693-2190.

<https://www.osha.gov/memos/2021-03-12/updated-interim-enforcement-response-plan-coronavirus-disease-2019-covid-19>

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*This policy and procedure is not intended to replace the informed judgment of individual physicians, nurses or other clinicians nor is it intended as a statement of prevailing community standards or minimum standards of practice. It is a suggested method and technique for achieving optimal health care, not a minimum standard below which residents necessarily would be placed at risk.*