

National Emphasis Program: Occupational Safety and Health Administration Addresses COVID-19



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The Occupational Safety and Health Administration (“OSHA”) issued a COVID-19 *National Emphasis Program* (“NEP”). See Directive No. DIR 2021-01 (CPL-03).

The *NEP* was issued on March 12th and describes OSHA’s view of policies and procedures to ensure that employees in high-hazard industries or work tasks are protected from the hazard of contracting COVID-19.

OSHA views the *NEP* as a tool to augment its efforts addressing unprogrammed COVID-19-related activities such as:

- Complaints
- Referrals
- Severe incident reports

OSHA views this as accomplished by the adding of a component to target specific high-hazard industries or activities where such hazard is prevalent. The COVID-19 *NEP* notes that it targets:

. . . establishments that have workers with increased potential exposure to this hazard, and that puts the largest number of workers at serious risk.

NEP is also intended to include an added focus to:

. . . ensure that workers are protected from retaliation, and are accomplishing this by preventing retaliation where possible, distributing anti-retaliation information during inspections, and outreach opportunities, as well as promptly referring allegations of retaliation to the Whistleblower Protection Program.

The *NEP* was developed pursuant to an Executive Order (“EO”) issued by President Biden. The EO directed OSHA to launch a national program to focus its enforcement efforts related to COVID-19 on:

- hazardous conditions that put the largest number of workers at serious risk
- employers that engage in retaliation against employees who complain about unsafe or unhealthful conditions or exercise other rights under the relevant legislation

Appendix A of the *NEP* lists primary target industries in healthcare as including targeted industries in healthcare as including:

- Offices of Physicians (except Mental Health Specialists)
- Offices of Dentists

- Home Health Care Services
- Ambulance Services
- General Medical and Surgical Hospitals
- Psychiatric and Substance Abuse Hospitals
- Specialty (except Psychiatric and Substance Abuse) Hospitals
- Nursing Care Facilities (Skilled Nursing Facilities)
- Residential Intellectual and Developmental Disability Facilities
- Continuing Care Retirement Communities
- Assisted Living Facilities for the Elderly

Target industries in non-healthcare include:

- Meat Processed from Carcasses
- Animal (except Poultry) Slaughtering
- Poultry Processing
- Supermarkets and Other Grocery (except Convenience) Stores
- Discount Department Stores
- General Warehousing and Storage
- Temporary Help Services*
- Full-Service Restaurants
- Limited-Service Restaurants
- Correctional Institutions

A copy of the COVID-19 *NEP* can be downloaded [here](#).