

BLOG

Federal OSHA Withdraws COVID-19 ETS

By Erica Honig – Compliance Director, Employee Benefits and John Meder, Head of Risk Consulting & Claims Advocacy

Jan 26, 2022

January 26, 2022: The federal Occupational Safety and Health Administration (OSHA) has announced its withdrawal of the Emergency Temporary Standard (ETS) requiring employers with 100 or more employees to require COVID vaccines for all employees or weekly testing of unvaccinated employees.

OSHA's announcement follows the Supreme Court ruling on January 13, 2022, which blocked the ETS and can be accessed [here](#). Even though OSHA stated in the announcement that it withdrew enforcement of the ETS, it is not withdrawing it as a proposed permanent rule. This signals that OSHA may still pursue a permanent rule with respect to vaccine or testing requirements for employees, which would follow the standard notice-and-comment period process, rather than the expedited emergency process OSHA used in announcing the ETS.

Bottom line: Although this ETS is no longer applicable to large businesses, employers are still required to provide a safe and healthy workplace environment for employees in compliance with existing [OSHA COVID-19 guidance](#) and the [OSHA General Duty Clause](#).

On the same day that the Court blocked the OSHA ETS, it also allowed a vaccine mandate for healthcare workers at facilities that participate in the Medicare and Medicaid programs to go into effect nationwide. Learn more about the CMS Vaccine Mandate Rule [here](#).

Risk Strategies will continue to work diligently to provide our clients with the most up-to-date information.



TAGS:

Employee Benefits