

CLIENT ALERT

OSHA Updates COVID-19 Guidance for All Employers

August 17, 2021

While the Delta variant of COVID-19 spreads throughout the United States, government agencies continue to modify their guidance regarding COVID-19 protections. On Friday, August 13, the Occupational Safety and Health Administration (“OSHA”) updated its [“Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace,”](#) which applies to employers other than those covered by the OSHA Emergency Temporary Standard for healthcare workers. (We previously wrote about the June 10 iteration of this guidance [here](#)). The latest version of the guidance is intended in part to reflect the CDC’s [July 27, 2021](#) recommendations for fully vaccinated individuals, including that those individuals should wear masks at all times indoors in places of substantial or high community transmission.

The updated guidance recommends that employers consider mandatory vaccination or COVID-19 testing policies as part of their safety and prevention measures. The guidance also suggests that fully vaccinated workers wear masks indoors, not only in all areas of substantial or high transmission, but also in any location for 14 days after having close contact with someone with COVID-19, unless the employee tests negative for COVID at least three to five days after the contact with the infected individual. OSHA has retained much of its earlier guidance for employers, including recommendations that employers grant paid time off for vaccination, implement physical distancing for unvaccinated and at-risk workers, educate workers on COVID-19 policies and procedures, and implement routine cleaning.

In addition, OSHA’s update clarifies the recommendations for employers with unvaccinated or at-risk workers in the manufacturing, meat and poultry processing, seafood processing, and agricultural processing industries. In particular, these recommendations include adequate ventilation, physical distancing where possible, and if barriers are used where physical distancing cannot be maintained, barriers should be solid, impermeable, easily cleaned, and not move out of position when in use.

Employers should continue to implement health and safety measures to protect unvaccinated and at-risk individuals from COVID-19 hazards, including considering the recommendations set out by OSHA, the CDC, and state and local requirements. Employers should consult counsel with any questions regarding their policies and procedures in light of these recent developments.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

Thomas P. Gies

Partner – Washington, D.C.

Phone: +1.202.624.2690

Email: tgies@crowell.com

Daniel W. Wolff

Partner – Washington, D.C.

Phone: +1.202.624.2621

Email: dwolff@crowell.com

Christine B. Hawes

Counsel – Washington, D.C.

Phone: +1.202.624.2968

Email: chawes@crowell.com

Katie Erno

Counsel – Washington, D.C.

Phone: +1.202.624.2926

Email: kerno@crowell.com

Rachel Lesser

Associate – Washington, D.C.

Phone: +1.202.624.2572

Email: rlesser@crowell.com