

BIE SAFETY ADVISOR

Enforcement of OSHA's COVID-19 ETS to begin Jan. 10

The 6th U.S. Circuit Court of Appeals upheld OSHA's emergency temporary standard (ETS) on COVID-19 vaccination, testing and masking, with a 2-1 decision issued Dec. 17.

The decision ends a stay issued by the New Orleans-based 5th Circuit on Nov. 12 and means the implementation and enforcement of the ETS can move forward.

According to a Dec. 18 press release, OSHA won't issue citations "for noncompliance with any requirements of the ETS" **before Jan. 10** and won't issue citations for testing requirements **before Feb. 9**, "so long as an employer is exercising reasonable, good faith efforts to come into compliance with the standard."

"OSHA can now once again implement this vital workplace health standard, which will protect the health of workers by mitigating the spread of the unprecedented virus in the workplace," the release states.

OSHA published the ETS in the Nov. 5 *Federal Register*, giving employers with 100-plus employees 30 days to develop, implement and enforce a mandatory COVID-19 vaccination policy – or provide a policy that gives workers the choice to get vaccinated or undergo weekly COVID-19 testing.

Covered employees had an initial deadline of Jan. 4 to become fully vaccinated, or begin weekly testing and wear a face covering while indoors or in a vehicle "with another person for work purposes."

According to an OSHA fact sheet, the ETS doesn't apply to employees who work from home permanently, who work "exclusively outdoors" or who report to a workplace where other individuals aren't present.

The ETS directs employers to provide paid time off to receive a vaccine – up to four hours for each dose – and paid leave for any side effects from vaccinations.

The ETS requires employers to ensure that each employee who is not fully vaccinated is tested for COVID-19 at least weekly. The ETS does not require employers to pay for any costs associated with testing.

The ETS requires employers to: (1) require employees to promptly provide notice when they receive a positive COVID-19 test or are diagnosed with COVID-19; (2) immediately remove any employee from the workplace, regardless of vaccination status, who received a positive COVID-19 test or is diagnosed with COVID-19 by a licensed healthcare provider; (3) keep removed employees out of the workplace until they meet criteria for returning to work.

The ETS requires employers to ensure that each employee who is not fully vaccinated wears a face covering when indoors or when occupying a vehicle with another person for work purposes, except in certain limited circumstances. Employers must not prevent any employee, regardless of vaccination status, from voluntarily wearing a face covering unless it creates a serious workplace hazard (e.g., interfering with the safe operation of equipment).

Visit www.osha.gov/coronavirus for additional information



Monthly Toolbox Talk

Traveling for the Holidays? Be Prepared

While many will choose to stay home this year, if you do travel, be sure your vehicle is in good running condition, get plenty of rest and be prepared for any emergency. Traveling by car during the holidays has the highest fatality rate of any major form of transportation based on fatalities per passenger mile. In 2020, it is estimated 163 people died on [New Year's Day](#), 485 on [Thanksgiving Day](#), and for [Christmas Day](#), it is estimated 340 lost their lives, according to [Injury Facts](#). Alcohol impairment is involved in about a third of the fatalities.

Stay safe on the roads over the holidays — and every day:

- [Prepare your car for winter](#) and keep an [emergency kit](#) with you
- Get a good night's sleep before departing and avoid [drowsy driving](#)
- Leave early, planning ahead for heavy traffic
- Make sure every person in the vehicle is properly buckled up no matter how long or short the distance traveled
- Put that cell phone away; [many distractions occur while driving](#), but cell phones are the main culprit
- Practice defensive driving
- Designate a sober driver to ensure guests make it home safely after a holiday party; [alcohol](#) or over-the-counter, prescription and illegal drugs can cause impairment

Decorate Safely

Decorating is one of the best ways to get in a holiday mood, but emergency rooms see thousands of injuries involving holiday decorating every season.

When decorating follow these tips from the [U.S. Consumer Product Safety Commission](#):

- Keep potentially poisonous plants – mistletoe, holly berries, Jerusalem cherry and amaryllis – away from children
- If using an artificial tree, check that it is labeled “fire resistant”
- If using a live tree, cut off about 2 inches of the trunk to expose fresh wood for better water absorption, remember to water it and remove it from your home when it is dry
- Place your tree at least 3 feet away from fireplaces, radiators, and other heat sources, making certain not to block doorways
- Avoid placing breakable ornaments or ones with small, detachable parts on lower tree branches where small children can reach them
- Only use indoor lights indoors and outdoor lights outdoors, and [choose the right ladder](#) for the task when hanging lights
- Replace light sets that have broken or cracked sockets, frayed or bare wires, or loose connections
- Follow the package directions on the number of light sets that can be plugged into one socket
- Never nail, tack, or stress wiring when hanging lights and keep plugs off the ground away from puddles and snow
- Turn off all lights and decorations when you go to bed or leave the house

