Occupational Safety and Health Administration (OSHA)
National Emphasis Program – COVID-19

On March 12, 2021, the Occupational Safety and Health Administration (OSHA) implemented a National Emphasis Program (NEP) to ensure employees in high-hazard industries are protected from contracting COVID-19.

Effective Date of NEP: March 12, 2021, Area Offices may begin to initiate inspections under this NEP.

Expiration Date of NEP: This Direction is effective for no more than 12 months from the effective date, unless canceled or extended.

The NEP includes the following long term care providers:

- Skilled Nursing Facilities
- Residential Intellectual and Developmental Disability Facilities
- Continuing Care Retirement Communities
- Assisted Living Facilities

The NEP has two goals:

1. **Reduce/Eliminate Worker Exposures to COVID-19** - The goal is to significantly reduce or eliminate worker exposures to COVID-19 by targeting industries and worksites where employees may have a high frequency of close contact exposures and therefore, controlling the health hazards associated with such exposures. This goal will be accomplished by:
    a. Inspection targeting,
    b. Outreach to employers and
    c. Compliance assistance.

2. **Protect Workers from Retaliation** - The NEP includes an added focus to ensure workers are protected from retaliation. This will be accomplished by:
    a. Preventing retaliation where possible,
    b. Distributing anti-retaliation information during inspections,
    c. Outreach opportunities, and
    d. Promptly referring allegations of retaliation to the Whistleblower Protection Program.

To monitor the effectiveness of OSHA's enforcement and guidance efforts, certain follow-up inspections from worksites previously inspected for COVID-19-related hazards will be included as part of the targeting strategy. The highest priority will be given to:

1. **Fatality/Catastrophe** - Workplaces with a higher potential for COVID-19 exposures, including assisted living communities and nursing homes among other healthcare providers treating patients with COVID-19, as well as workplaces with high numbers of COVID-19-related complaints or known COVID-19 cases.

2. **Complaints and Referrals** - Allegations of potential worker exposures to COVID-19 (e.g., insufficient controls in place such as PPE), or involving workers suspected or confirmed positive for COVID-19 or with symptoms of exposure to the virus.

Workers requesting inspections, complaining of COVID-19 exposure or reporting injuries or illnesses or retaliation, may be covered under one or more whistleblower protection statutes.

Employers can utilize OSHA's On-Site Consultation Program, which offers occupational safety and health services to small- and medium-sized businesses. The consultation is free and confidential.

AHCA/NCAL has the following resources to assist with complying with OSHA standards and responding when receiving inquiries from OSHA.

Respiratory Protection Program Plan Template

Template Letter - Response to OSHA Regarding PPE Complaints