

OSHA Issues Emergency Temporary Standard on COVID-19 Vaccination and Testing

Yesterday, the Occupational Safety and Health Administration (OSHA) issued an [Emergency Temporary Standard](#) (ETS) on COVID-19 vaccination and testing which applies to employers with a total of 100 or more employees, firm or company-wide. As previously reported by NDA, the ETS requires employers to develop, implement, and enforce a mandatory COVID-19 vaccination policy, unless employers adopt a policy requiring employees to either get vaccinated or to undergo weekly COVID-19 testing and wear a face covering at work. Employers must ensure that their employees have received the necessary shots to be fully vaccinated or require weekly testing by **Jan. 4, 2022**.

NDA is continuing to review the almost 500-page ETS and will be providing members with more detailed information shortly. As the ETS automatically triggers a public comment period, NDA will be submitting written comments to OSHA regarding the ETS and will work with the Agency to ensure the standard is workable for the industry. Below you will find key details released by OSHA thus far.

The ETS requires employers to do the following:

- **Determine Vaccination Status:** All covered employers must determine the vaccination status of each employee, obtain acceptable proof of vaccination status from vaccinated employees and maintain records and a roster of each employee's vaccination status.
- **Vaccination Requirements:** All covered employers must ensure that their employees have received the necessary shots to be fully vaccinated – either two doses of Pfizer or Moderna, or one dose of Johnson & Johnson – by January 4th.
- **Testing Requirements:** Ensure each worker who is not fully vaccinated is tested for COVID-19 at least weekly (if the worker is in the workplace at least once a week) or within 7 days before returning to work (if the worker is away from the workplace for a week or longer).
- **Notification of Positive Test:** Require employees to provide prompt notice when they test positive for COVID-19 or receive a COVID-19 diagnosis. Employers must then remove the employee from the workplace, regardless of vaccination status; employers must not allow them to return to work until they meet required criteria.
- **Paid Time Off Requirements:** Employers must provide paid time off to workers to get vaccinated and to allow for paid leave to recover from any side effects.
- **Mask Requirements:** Ensure that, in most circumstances, each employee who has not been fully vaccinated wears a face covering when indoors or when occupying a vehicle with another person for work purposes.

Additional Details:

- The ETS **does not** apply to employees who work remotely from home, who work exclusively outdoors, or who do not report to a workplace where other individuals are present.
- The ETS does not require employers to pay for testing but employers may be required to pay for testing to comply with other laws, regulations, collective bargaining agreements, or other collectively negotiated agreements. Employers are also not required to pay for face coverings.
- The rule will be effective immediately upon its publication in the Federal Register today. Employers must comply with most ETS requirements within 30 days of publication (Dec. 5) and with testing requirements within 60 days of publication (Jan. 4).

OSHA ETS Information for Employers

- [Emergency Temporary Standard Text](#)
- [Fact Sheet](#)

- [Summary](#)
- [Frequently Asked Questions](#)
- [Compliance Webinar](#)

A more detailed analysis will be provided as soon as possible. For any questions, please contact NDA Director of Government Affairs Kevin McKenney at kmckenney@demolitionassociation.com.

U.S. and Europe Strike Deal to Ease Steel and Aluminum Tariffs

Last weekend, the Biden administration and European Union announced an agreement to ease Section 232 tariffs on steel and aluminum products to help alleviate global supply chain disruptions. The United States will not apply section 232 duties and will allow duty-free importation steel and aluminum from the EU at a historical-based volume and the EU will suspend related tariffs on U.S. products.

Under the tariff-rate quota arrangement, historically-based volumes of EU steel and aluminum products will enter the U.S. market without the application of Section 232 tariffs under certain conditions. More details on the announcement can be found [here](#).