

# Biden Asks OSHA to Consider COVID-19 Workplace Safety Rules

Biden has ordered the Occupational Safety and Health Administration to step up enforcement and explore issuing emergency rules.

January 29, 2021 By Alex Brown

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For most of the pandemic, workplace safety rules—and enforcement of those standards—have varied widely from state to state. Now, President Joe Biden has ordered the Occupational Safety and Health Administration to step up enforcement and explore issuing emergency rules that could become the new national standard.

Biden's [executive order](#) directs the agency to create a new COVID-19 enforcement program focused on the most at-risk workplaces. It also requires OSHA to update its pandemic guidance—and most significantly, signals that the government could soon enact new rules for employers to keep workers safe.

Currently, 21 states have their own workplace safety agencies overseeing private sector businesses, while the rest rely on the federal OSHA. A few of the state agencies have issued new rules for COVID-19 safety, while many others followed the Trump administration's lead and shared voluntary guidance from health experts.

Enforcement based on existing standards has been a mixed bag, safety advocates say, with many calling out the federal agency for lax oversight.

A national order from OSHA would bring all states under the same rules, since even states with independent agencies must meet or exceed the federal standard.

The states that have issued emergency rules—California, Michigan, Oregon and Virginia—require employers to follow COVID-19 safety protocols on issues such as testing, case reporting, contact tracing, personal protective equipment, physical distancing and ventilation. Other states and the federal OSHA have relied on existing rules and a general duty clause that says workplaces must be “free from recognized hazards.”

Worker advocates say defined rules create a much better framework to keep employees safe, setting a strong, enforceable standard. They say the Trump administration's refusal to adapt its rules to the pandemic has left a leadership void that states have struggled to fill on their own.

“Without federal OSHA acting, a lot of these states have said, ‘It doesn’t appear we need to do anything,’” Rebecca Reindel, director of occupational safety and health for AFL-CIO, a national federation of unions, told Stateline earlier this month. “The example they’re setting right now isn’t leaving much for states to strive to.”

Throughout the pandemic, the federal agency has issued COVID-19 citations from 300 inspections in the states it oversees, totaling nearly \$4 million in fines.

States with their own agencies have varied widely. Some have given out hundreds of citations and millions of dollars in fines, while others have cited only a handful of businesses for coronavirus-related violations.

The Washington, D.C.-based National Employment Law Project, a think tank that advocates for workers, and one of the leading voices calling for new workplace standards, praised Biden’s move.

“This order will help save lives and mitigate against the spread of COVID-19,” Rebecca Dixon, the group’s executive director, said in a statement.

“This order is a total reversal of the Trump administration’s dangerous strategy to sideline OSHA during the worst public health and occupational health crisis since the agency was created 50 years ago.”

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