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Categories:

[Coronavirus Response Team](#)

Authors:

[Souhila EL Moussaoui](#)

[Steven M. Tolbert, Jr.](#)

[Kyle D. Johnson](#)

OSHA's COVID-19 Emergency Temporary Standard Now in Effect

The wait is now over. The long-anticipated [COVID-19 Emergency Temporary Standard \(ETS\)](#) was [published](#) in the Federal Register on **Monday, June 21** and is now in effect for covered healthcare employers in Federal jurisdictions. State-plan jurisdictions are required to adopt the ETS within 30 days.^[1]

We [reported](#) in our June 10, 2021 article that the Department of Labor's (DOL) Occupational Safety and Health Administration (OSHA) release of the ETS establishing workplace safety rules aimed at preventing workplace spread of the virus would not become effective until published within the Federal Register. At that time a date had not been announced.

Following this publication, covered healthcare employers will have 14 days, up to and including **July 6, 2021**, to come into compliance with the requirements of the ETS. However, covered employers are not required to comply with three specific requirements – those requiring physical barriers, ventilation, and training – until **July 21, 2021**.

The ETS may still be subject to legal challenges. We will continue to monitor the situation for developments that may impact the healthcare sector and will provide updates as appropriate.

For more information, please contact [Kyle D. Johnson](#), [Souhila EL Moussaoui](#), [Steve Tolbert](#), or any attorney in Frost Brown Todd's [Labor and Employment](#) practice group.

^[1] The ETS is not effective in the following 22 state-plan jurisdictions that cover private employers until adopted by each of the respective jurisdictions: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming.

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