

N.C. and S.C. OSHA Agencies Take Different Approaches to Emergency COVID-19 Standard

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North Carolina and South Carolina enforce their own workplace safety and health plans. As “state plan states,” they are required to adopt regulations that are at least as effective as those adopted by the federal Occupational Safety and Health Administration (OSHA).

Recently, OSHA published an emergency temporary standard (ETS) applicable to healthcare employers with an effective date of June 21, 2021.

On July 14, 2021, N.C. OSHA announced that it will adopt verbatim the ETS as of July 21, 2021. According to the agency, “Verbatim adoption of the ETS ensures the state remains in compliance with the state-plan agreement.”

On July 20, 2021, S.C. OSHA announced that it will not adopt the ETS. Instead, the agency is developing its own standard for infectious diseases generally that will apply to all employers. The state standard is expected to be announced before October 2021. S.C. OSHA does reserve the right to take the requirements of the ETS into account in determining whether a healthcare employer is in compliance with its “general duty” to keep the workplace free from recognized hazards that are causing, or are likely to cause, death or serious physical harm to employees.

If you have questions or need assistance with OSHA compliance, please contact Nexsen Pruet’s Employment and Labor Law group.