

NDA Guide to OSHA Emergency Temporary Standard on COVID-19 Vaccination and Testing

As reported by NDA last week, 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. 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 has prepared a [members-only guide](#) to help members navigate and understand the ETS in order to comply with new rules. The guide includes a summary of the ETS, a compliance checklist, and specific requirements that need to be met under the new mandate. Please note that the information provided does not, and is not intended to, constitute legal advice; instead, all information, content, and materials listed in the guide are available through the Department of Labor. NDA encourages all members to consult legal counsel.

For any questions, please contact NDA Director of Government Affairs Kevin McKenney at kmckenney@demolitionassociation.com.

Federal Appeals Court Temporarily Blocks OSHA Vaccination Mandate

The U.S. Court of Appeals for the Fifth Circuit recently put a temporary hold on the Occupational Safety and Health Administration's (OSHA) COVID-19 vaccination and testing mandate for private employers following legal petitions from several states and advocacy groups. Last week, OSHA issued a new emergency temporary standard (ETS) requiring employers with 100 or more employees to ensure employees are vaccinated against COVID-19 or comply with an alternative weekly testing requirement.

The Court cited potential "grave statutory and constitutional issues" as the reason for issuing the temporary hold and will now decide on whether a permanent injunction is warranted. At this time, it remains unclear how any legal action will impact the future of the ETS so NDA members should continue to follow all guidance issued by OSHA on the ETS. NDA is closely monitoring the status of the ETS and will be sure to keep members updated on the latest developments.

House Passes Bipartisan Infrastructure Bill

The House of Representatives recently voted to pass the \$1.2 trillion bipartisan [Infrastructure Investment and Jobs Act](#) by a vote of 228-206. The legislation provides \$550 billion in new funding for infrastructure projects over the next five years including roads, bridges, ports, rail, waterways, airports, public transit, broadband and other physical infrastructure. The legislation originally passed the Senate in August by a vote of 69-30 and now heads to President Biden's desk for signature next Monday. It is important to note that this bill is different from the \$1.75 trillion Build Back Better (BBB) budget reconciliation proposal which Democrats are trying to advance separately.

The Infrastructure Investment and Jobs Act contains several NDA-backed lobbying victories including new investments in physical infrastructure projects, reforms to streamline and expedite the federal permitting and environmental review processes, increased funding to cleanup Brownfield and Superfund sites, and no additional tax increases on small businesses. Below you will find a summary of provisions in the bill.

Infrastructure Investment and Jobs Act – Key Provisions

- **Physical Infrastructure Investments:** Provides \$1.2 trillion for physical infrastructure projects, \$550 billion of which is new spending above baseline levels that will be allocated over the next five years
- **Environmental Remediation:** Includes \$21 billion for the cleanup of Brownfield and Superfund sites and other remediation projects.
- **Federal Permitting and Environmental Reviews:** Includes reforms to streamline and expedite the federal permitting and environmental review processes.
- **No Tax Increases:** Does not include any new tax increases on individuals or small businesses.