

Supreme Court Blocks Enforcement of OSHA COVID-19 Vaccine Mandate

Yesterday, the U.S. Supreme Court [issued](#) a stay against the Occupational Safety and Health Administration's (OSHA) Emergency Temporary Standard (ETS) on COVID-19 vaccination and testing for employers with 100 or more employees. The Court ruled 6-3 that OSHA likely exceeded its authority in promulgating the ETS and a stay was warranted. The Court's three liberal justices dissented from the majority's opinion.

OSHA is now blocked from enforcing the provisions of the ETS while it will be reconsidered by the Sixth Circuit. OSHA has not yet responded to the Supreme Court's decision. **NDA notes that yesterday's decision is not related to the COVID-19 vaccine mandate for federal contractors.** Any judicial action on that mandate will be separate from today's ruling. NDA will provide additional updates on the ETS as they become available.

NDA Requests Extension of Comment Period on Heat Rulemaking

This week, NDA joined the Coalition for Workplace Safety in [requesting](#) an additional extension of the comment period from the Occupational Safety and Health Administration (OSHA) on their Advanced Notice of Proposed Rulemaking (ANPRM) for heat injury and illness prevention in indoor and outdoor work settings.

Last fall, OSHA announced an ANPRM seeking input from stakeholders on a potential rule involving heat injury and illness in the workplace. However, OSHA's current comment period poses challenges for stakeholders seeking to provide thoughtful, accurate responses to the numerous questions posed in the ANPRM. Therefore, NDA and its coalition partners are asking OSHA for a 30-day extension of the comment period through the end of February.

DOL Announces Annual Adjustments to OSHA Civil Penalties

Yesterday, the U.S. Department of Labor (DOL) announced adjustments to Occupational Safety and Health Administration (OSHA) civil penalty amounts based on cost-of-living adjustments for 2022.

OSHA's maximum penalties for serious and other-than-serious violations will increase from \$13,653 per violation to \$14,502 per violation. The maximum penalty for willful or repeated violations will increase from \$136,532 per violation to \$145,027 per violation.

In 2015, Congress passed the Federal Civil Penalties Inflation Adjustment Act Improvements Act. Under the Act, agencies are required to publish "catch-up" rules that adjust the level of civil monetary penalties, and make subsequent annual adjustments for inflation no later than January 15 of each year.

Members can visit [OSHA Penalties page](#) for more information. The Department of Labor Federal Civil Penalties Inflation Adjustment Act Annual Adjustments for 2022 [final rule](#) is effective January 15, 2022, and the increased penalty levels apply to any penalties assessed after January 15, 2022.