



# CAWP WEEKLY

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## SUPREME COURT FREEZES OSHA COVID-19 VACCINATION- OR-TESTING ETS

### **Supreme Court Freezes OSHA COVID-19 Vaccination-or-Testing ETS**

Last Thursday, the Supreme Court reinstated the nationwide stay on implementation and enforcement of the OSHA COVID-19 vaccination-or-testing emergency temporary standard (ETS). As a result of this decision, OSHA will have to suspend implementation of the ETS requirements, many of which took effect on January 10. The case will now go back to the lower courts for litigation on the merits of the ETS.

In his opinion supporting the stay, Justice Kavanaugh wrote, “Although COVID-19 is a risk that occurs in many workplaces, it is not an occupational hazard in most. COVID-19 can and does spread at home, in schools, during sporting events, and everywhere else that people gather. That kind of universal risk is no different from the day-to-day dangers that all face from crime, air pollution, or any number of communicable diseases. Permitting OSHA to regulate the hazards of daily life – simply because most Americans have jobs and face those same risks while on the clock – would significantly expand

OSHA's regulatory authority without clear congressional authorization.”

So what's next? The two main options for OSHA now are either to withdraw from the case or propose a targeted, permanent standard for occupations where there is a greater risk of infection in the workplace. If OSHA was to pursue the latter option, it is unlikely that a case could be made that highway construction, which is done outdoors, would be considered an occupation that provides a greater risk for the transmission of COVID-19.



## Interested in Learning More About Safety & Risk Management Software

CAWP is exploring a partnership with a provider of a web-based software suite of safety and risk management tools. Through this partnership, CAWP would offer software to those members who express interest.

**Join us on January 25 from 9:00 – 10:00 a.m. to learn more.** CAWP will then follow up with each participant to gauge interest in an Association offering of this service.

[REGISTER](#)

The platform includes:

- Safety Library – programs, documents, and training programs
- Online Training - numerous courses on construction safety, HR (diversity & harassment), etc.
- Incident Management Tools – safety audits, OSHA reporting, etc.
- HR Compliance Solutions – tools to assist with compliance

If interested in learning more, check out these two documents:

[KPA RISK MANAGEMENT CENTER OVERVIEW](#)

[KPA ONLINE TRAINING CATALOG](#)



## **Get Recognized for Your Company's Safety Achievements**

Plan to submit your company's safety statistics for both the CAWP/H2AP Safety Awards and the AGC NASA Safety Awards programs in January. The entry forms were combined so that you submit only one form. Most of the information comes from your company's 2021 OSHA Form 300A.

### **CAWP/H2AP Safety Awards Program**

The CAWP/H2AP Safety Awards program recognizes companies for their safe work performance in western Pennsylvania during the 2021 season. The award is an opportunity to receive well-deserved recognition from your peers in the industry. Awards are based on each company's Lost Workday Incidence Rate. Awards will be presented at the annual CAWP/H2AP Safety Banquet on March 25, 2022.

*Note: The CAWP/H2AP Safety Award represents heavy, highway, railroad and utility work performed within the 33 counties of western Pennsylvania.*

### **National AGC Safety Awards (NASA) Program**

The AGC of America's National AGC Safety Awards (NASA) program provides AGC members an opportunity to evaluate their safety record. Participating contractors receive a confidential printout to compare their company's safety statistics with similar size and type AGC contractor members both locally and nationally. Safety awards are given to members who have a zero incident rate or who have an incident rate 25 percent below each occupational division's average. Awards will be delivered in the spring of 2022.

Note: The AGC NASA program is for AGC/CAWP members only. If you are unsure of your membership status, submit the electronic form and CAWP will determine eligibility. Also, companies must participate in the NASA program for three (3) consecutive years to be eligible for awards.

### **To Participate in One or Both Safety Awards Programs**

Please submit by February 9, 2022.

[SAFETY AWARD FORM](#)

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## RECENT BULLETINS

**January 10, 2022**

[Safety Bulletin #1-22 OSHA's  
Recordkeeping & Reporting](#)

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