

Alert | OSHA



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Senate Confirms President Biden's Nominee to Head OSHA

On Oct. 25, 2021, the U.S. Senate confirmed President Biden's nominee for assistant secretary of labor for the Occupational Safety and Health Administration (OSHA), Doug Parker, who is tasked with leading OSHA in the next phase of COVID-19-related workplace safety standards. The U.S. Senate has not confirmed a new OSHA chief since former President Obama nominee Dr. David Michaels left the agency in 2017, and OSHA has been without a confirmed leader since then.

Parker's confirmation as OSHA chief comes as an industry-wide emergency temporary standard (ETS) is being finalized. The ETS will require companies with 100 or more employees to mandate COVID-19 vaccinations or weekly test the workforce for COVID-19 infections. [See September 2021 GT Alert on the forthcoming ETS here.](#)

During his tenure as head of the California Division of Occupational Safety and Health (Cal/OSHA), Parker instituted an ETS related to COVID-19 that covers topics such as face coverings, physical distancing, testing, vaccines, and enforcement. [Listen to January 2021 GT Workplace Safety Review podcast episode with Doug Parker.](#) Further, in September 2021 California Gov. Gavin Newsom signed into law Senate Bill 606, which created two new, heightened classifications for egregious and enterprise-wide violations. This recent rulemaking in California suggests that Parker may take a similarly aggressive approach as Fed-OSHA chief.

The proposed ETS mandating vaccinations or frequent testing was submitted to the White House for final review on Oct. 12, 2021. Although regulatory reviews can take months, the review may be expedited to meet President Biden's goal of maximizing vaccinations. Parker may prioritize implementing the ETS and providing employers with guidance on its requirements.

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