



President Biden Releases National COVID-19 Response Strategy

Insights

1.22.21

The new administration wasted no time in announcing its plan for tackling the COVID-19 pandemic, releasing a roadmap on January 21 on how it plans to address the crisis. The plan includes 12 initial executive actions, many of which have already been issued, and several of which could impact the workplace. What do employers need to know about this development?

Snapshot Of Biden's Strategy

The Biden administration's strategy is organized around seven goals which include:

- Restoring trust with the American people;
- Mounting an effective and comprehensive vaccination campaign;
- Mitigating the spread the COVID-19 through masking, testing, and other standards;
- Expanding emergency relief under the Defense Production Act;
- Safely reopening schools, businesses, and travel while protecting workers;
- Protecting those most at risk and advancing equity across racial and ethnic lines; and
- Restoring U.S. leadership globally and building better preparedness for future threats

A COVID-19 response office will be responsible for coordinating the response across all federal departments and agencies. Below are the COVID-19 workplace safety highlights for employers.

OSHA And MSHA Directives

An executive order regarding *Protecting Worker Health and Safety* has already been issued, which directs OSHA to issue updated guidance on COVID-19 worker protections within two weeks. It also directs OSHA and MSHA to consider whether emergency temporary standards, including with respect to mask wearing, are necessary. Any such standard by OSHA must be issued by March 15, 2021. No deadline was specified for MSHA. OSHA must coordinate with any states that have their own state plans to ensure workers are adequately protected.

The strategy also calls on Congress to extend and expand emergency paid leave to workers; to allow OSHA to issue standards covering a broader set of workers, like public workers on the frontlines; to

provide additional funding for worker health and safety enforcement; and to provide grant funding for organizations to help keep vulnerable workers healthy and safe.

The Small Business Administration will work with the Department of Labor to disseminate OSHA guidance on worker safety to make sure small businesses have the support and information regarding changing and adapting their operations.

Other Safety Goals

To mitigate the spread of the virus, the administration plans to implement mask mandates. This will be accomplished through executive orders requiring masks in all federal buildings and on federal land, directing agencies to require masks during public forms of travel, and request that governors all implement masking, physical distancing, and other CDC Measures.

The administration will further establish a COVID-19 Pandemic Testing Board to oversee the implementation of a unified approach to testing. Rapid supply testing will be increased with expanded testing and laboratory capacity. It will also establish a dedicated CDC Testing Support Team to support school screening testing programs to help schools reopen through funding rapid test acquisition and distribution for priority populations. Through the FEMA disaster relief fund, the president is asking Congress to provide billions in dedicated funding to schools to help avoid layoffs and close budget gaps, along with funds to implement screening testing.

Under the Defense Production Act, the administration plans to strengthen supply chains to make vaccines, tests, PPE and other critical supplies available to the states. FEMA will be directed to fully reimburse states for the cost of National Guard personnel and emergency supplies like PPE. Under the DPA, relevant agencies will accelerate manufacturing, delivery, and administration of critical supplies like N95 masks, gowns, test kits, and other necessary equipment.

As part of the distribution of PPE, tests, and other critical supplies, the strategy puts a focus on equity to ensure that resources are distributed in a fair and transparent way. This goal includes expanding affordable coverage to increase access to health care.

Next Steps For Employers

Employers will want to watch for the executive orders that follow from these seven goals as the new administration is moving quickly to put processes in plan to address the COVID-19 crisis. Several executive orders have already been issued putting these plans into motion. Should a temporary COVID-19 emergency standard be issued, employers will need to review and adapt their current plans to ensure compliance.

We will keep a close eye on these developments and provide updates as warranted. You should ensure you are subscribed to [Fisher Phillips' alert system](#) to gather the most up-to-date

information. If you have questions about any aspect of this strategy and its impact on your workplace, contact your Fisher Phillips attorney.

This Legal Alert provides an overview of a specific federal initiative. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.

Related People



Kristin R.B. White

Partner

303.218.3658

Email

Service Focus

Workplace Safety and Catastrophe Management