

# WILENTZ

—ATTORNEYS AT LAW—

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## Employer Alert: OSHA Moves Forward with Limited Enforcement of Its Vaccination and Testing Emergency Temporary Standard

01/10/22

Directly from the [OSHA website](#):

### Litigation Update

OSHA is gratified the U.S. Court of Appeals for the Sixth Circuit dissolved the Fifth Circuit's stay of the Vaccination and Testing Emergency Temporary Standard. OSHA can now once again implement this vital workplace health standard, which will protect the health of workers by mitigating the spread of the unprecedented virus in the workplace.

To account for any uncertainty created by the stay, OSHA is exercising enforcement discretion with respect to the compliance dates of the ETS. To provide employers with sufficient time to come into compliance, OSHA will not issue citations for noncompliance with any requirements of the ETS before **January 10** and will not issue citations for noncompliance with the standard's testing requirements before **February 9**, so long as an employer is exercising reasonable, good faith efforts to come into compliance with the standard. OSHA will work closely with the regulated community to provide compliance assistance.

If you have questions regarding the OSHA Vaccination and Testing Emergency Temporary Standard or any other employment laws, contact [Tracy Armstrong](#) or another member of the [Wilentz Employment Law](#) Team.

### Attorney

- Tracy Armstrong

### Practice

- Employment Law