



OSHA Testing and Vaccination Emergency Temporary Standard (ETS) - FAQs

Frequently Asked Questions Around OSHA's Latest ETS on COVID-19

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Overview

On November 4th, 2021, the Occupational Safety and Health Administration (OSHA) issued an updated [Emergency Temporary Standard \(ETS\)](#) for COVID-19 workplace testing and vaccination. These new rules apply to any private sector business that employs more than 100 employees as outlined in the OSHA ETS.

This document provides easy-to-digest answers to some of the most frequently asked questions we've heard around this ETS.

OSHA's full FAQ can be found at <https://www.osha.gov/coronavirus/ets2/faqs>

Vaccination status compliance

Q: What is required for proof of vaccination?

A: Each employee must provide the following to their employer:

- Physical or digital copy of their vaccination record
- Attestation of accuracy (In addition to or in lieu of a physical or digital copy)

The employer must maintain a record of each employee's vaccination status

Q: When do employees need to be vaccinated by, in order to be exempted from testing?

A: Vaccination dates vary. Here's the current list by manufacturer type:

- J&J: Single dose on or before 1/4/22
- Pfizer: First dose on or before 12/14/21
- Moderna: First dose on or before 12/7/21
- Other WHO-authorized vaccines, mixed series, and vaccines in clinical trial are acceptable

Q: What constitutes "fully compliant" for vaccination status?

A: Completing a two-week waiting period after receiving the final dose in a series is considered "full compliance."

OSHA has not yet issued guidance on boosters

Weekly testing compliance

Q: Who is required to test weekly?

A: Unvaccinated and partially vaccinated individuals are required to test weekly.

Fully remote employees, and employees who work fully outside are exempt from this requirement

Q: What types of testing are compliant?

A: Only tests authorized by the FDA (EUA included) are considered compliant.

Tests may be self-administered but cannot be self-read unless observed by the employer or an authorized telehealth proctor

Q: What is the latest testing start date that is still compliant with the ETS?

A: Programs commencing on January 4, 2022 may be compliant, but OSHA encourages employers to start testing as soon as possible.

Color anticipates more guidance will be issued by OSHA on this topic

Employer compliance

Q: What happens if test results are delayed past the weekly reporting window?

A: If test results are delayed for reasons outside of the employer's control (e.g., shipping delay), OSHA has discretion for 'good faith' attempt at compliance.

Q: What happens if an employee submits fraudulent vaccination information?

A: There is no requirement that the employer monitor for or detect fraud. The ETS requires employers to provide each employee with information regarding the criminal penalties associated with knowingly supplying false statements or documentation.

Q: If OSHA asks for proof of vaccination or testing for enforcement, what is the employer required to provide?

A: OSHA may request aggregate data and individual-level data at any time. While OSHA doesn't specify how the request may be formatted, it may include requests in writing (e.g., email, fax, letter), by phone, or in person. Depending on the request, compliance windows to provide the requested information can be as little as 4 hours.

Additional Resources

- OSHA-issued FAQ document: <https://www.osha.gov/coronavirus/ets2/faqs>
- OSHA ETS summary: <https://www.osha.gov/sites/default/files/publications/OSHA4162.pdf>
- OSHA ETS final ruling (Federal Register): <https://www.osha.gov/laws-regs/federalregister/2021-11-05>
- Color's OSHA ETS information hub: <https://www.color.com/osha>