



Industrial Commission of Arizona Statement OSHA Vaccine Emergency Temporary Standard

FOR IMMEDIATE RELEASE

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Today, the Federal Occupational Safety and Health Administration (“OSHA”) issued a sweeping emergency temporary standard (“ETS”) without any opportunity for public comment prior to it going into effect. The ETS, which requires qualified employers (100 or more employees) to develop, implement, and enforce a mandatory COVID-19 vaccination policy, would force employees to choose between being vaccinated against their will, completing weekly COVID-19 testing (at the employee’s expense), or losing their jobs.

Although messaging from OSHA might suggest that the ETS is immediately binding on employers across the country, including in Arizona, this is not the case. Arizona is one of 22 OSHA-approved state plans that have exclusive responsibility for the development and enforcement of occupational safety and health standards within their states. Since 1974 when Arizona’s state plan was formally approved by OSHA, the Industrial Commission of Arizona has proudly worked to establish a model program for protecting the safety and health of Arizona’s workers in every corner of the state and in every industry.

Under Arizona’s long-approved state-plan procedures, the Industrial Commission has exclusive authority to decide if, when, and to what extent the State of Arizona will adopt the OSHA vaccination ETS. The Industrial Commission has diligently followed these approved procedures without issue for 47 years and will follow them as it reviews the 490-page OSHA vaccination ETS publication that OSHA only revealed today. Until such time that the Industrial Commission takes formal action to adopt all or part of the vaccination ETS, however, the temporary standards are not binding or enforceable against Arizona’s private and public sector employers and employees.

The Industrial Commission has proactively put together a COVID-19 Response Team to manage complaints, answer questions, and develop programs to mitigate and prevent the spread of COVID-19. The Commission has also continued to partner with associations, organizations, and stakeholders to promote COVID-19 safety and awareness. Arizona has a 47-year track record of protecting the safety and health of Arizona’s workers and remains fully committed to this mission.

