

**NEWS RELEASE***For Immediate Release***January 24, 2022**

*The Environment Department's mission is to protect and restore the environment and to foster a healthy and prosperous New Mexico for present and future generations.*

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**NMED clarifies COVID-19 rules for employers***COVID-Safe Practices, reporting requirements remain in effect*

**SANTA FE** — In light of the U.S. Supreme Court stay on the federal OSHA Vaccination and Testing Emergency Temporary Standard (ETS), the New Mexico Environment Department (NMED) is clarifying requirements for all employers of their obligation to protect employees from workplace hazards including COVID-19.

Employers must protect workers against COVID-19 by following COVID-Safe Practices including social distancing where possible, using face coverings, isolating positive employees, and cleaning or disinfecting areas where positive employees worked. In addition, employers are still required to [report positive COVID-19 cases in the workplace](#) within four hours of being notified of the case.

These control methods, required by NMED OSHA, are important in preventing workplace exposures, particularly among unvaccinated individuals. The current New Mexico Public Health Order requires face coverings indoors regardless of an individual's vaccination status. When warranted, NMED investigates allegations that employers are not providing a safe workplace as well as reported cases of COVID-19 illness and deaths among workers and may issue citations and penalties to employers who fail to protect employees.

NMED encourages employers to consider voluntarily instituting vaccination and testing programs, and applauds employers that have already done so, in the absence of an enforceable federal rule.

Vaccination is one of the most effective ways to prevent workers from becoming seriously ill with the disease. Recent studies show that unvaccinated people are 15-20 times more likely to die from COVID-19 than vaccinated people.

“So many New Mexico businesses are helping to keep their employees safe from effects of COVID-19,” said **NMED Cabinet Secretary James Kenney**. “Now is not the time for employers, employees or customers to let down their guard.”

On January 13, 2022, the U.S. Supreme Court stayed the federal OSHA Vaccination and Testing ETS. This paused the federal requirement for employers with 100 or more employees to

implement programs that protect unvaccinated employees from the risk of contracting COVID-19 in the workplace. The court upheld provisions requiring vaccination and testing for healthcare employers covered by the federal Centers for Medicare and Medicaid Services (CMS). Healthcare employers can find resources on the CMS vaccination rule at [CMS.gov](https://www.cms.gov).

The OSHA Vaccination and Testing ETS, while not in effect, is an excellent resource for employers interested in voluntarily developing vaccine and testing programs. The full text of the ETS, summaries, fact sheets, frequently asked questions and other resources are posted at <https://www.osha.gov/coronavirus/ets2>.

NMED offers free assistance to small business, through the OHSB Consultation Program, to help employers review COVID-19 hazards in the workplace and develop prevention methods, including vaccination and testing programs. Employers with 250 or fewer employees can request free and confidential consultation at <https://www.env.nm.gov/request-consultation-form/>.

[Click here](#) for more information about the OHSB Consultation Program. Find OHSB's fact sheet on the OSHA ETS at <https://www.env.nm.gov/nmed-resources-for-covid-19/>.

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*The Environment Department's mission is to protect and restore the environment and to foster a healthy and prosperous New Mexico for present and future generations. Throughout the COVID-19 pandemic, NMED's Occupational Health and Safety Bureau kept nearly 9,000 businesses open, 300,000 employees protected and countless New Mexico families safe by conducting more than 30,000 COVID-19 rapid responses.*

*The agency oversees more than 1,000 public drinking water systems serving nearly all 2 million New Mexicans, in addition to programs that protect our land, air and water.*

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