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DOES THE OSHA VACCINE MANDATE APPLY TO NH MUNICIPALITIES?

No. New Hampshire is under federal OSHA jurisdiction which covers most private sector workers within the state. ***State and local government workers are not covered by federal OSHA.***

Although states may opt into an OSHA-approved State Plan, the original OSHA enactment applied to private employers only, and does not apply to state, county or municipal employers. 29 U.S.C.S §652 (5). As explained at a US Department of Labor website, New Hampshire has not opted into an OSHA-approved State Plan. There are a total of twenty-two States that have approved OSHA Plans that cover both private and state and local government workers, and five additional states and one territory that cover state and local workers only. New Hampshire is not one of these. More information on OSHA-Approved State Plans can be found [here](#).

As New Hampshire does not have an OSHA-approved State Plan for worker safety for government employees, New Hampshire's state and local government workers are not governed by OSHA or OSHA promulgated rules. Instead, the health and safety of public employees is governed by RSA chapter 277, and rules adopted by the NH Department of Labor. **Therefore, the emergency temporary standard (ETS) issued by OSHA requiring employers with 100 or more employees to ensure their employees be vaccinated for COVID-19 does not apply to New Hampshire's towns and cities.**