

OREGON OSHA'S NEW COVID-19 RULE: WHAT IT MEANS FOR YOUR BUSINESS

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TODAY'S SPEAKERS



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TIMELINE FOR TEMPORARY COVID-19 RULE

- Fourth draft issued **October 23**
- Comment period closes **October 30**
- Rule adopted during week of **November 2**
- Takes effect **10 days** after adoption, unless otherwise noted
- **Timeline subject to change!** Keep watching:
<https://osha.oregon.gov/rules/advisory/infectiousdisease/Pages/default.aspx>

OVERVIEW OF RULE REQUIREMENTS

- Comply with Specific Safety Standards
- Perform Risk Assessment
- Create Infection Control Plan
- Conduct Employee Training
- Post OSHA Hazards Poster

WHO IS COVERED BY RULE?

“...all workplaces and workers subject to Oregon’s OSHA jurisdiction”

- Section 3 of the Temporary Rule applies to all workers
- Section 4 of the Temporary Rule applies to “workplaces at exceptional risk”

SPECIFIC SAFETY STANDARDS: “THE EMPLOYER MUST ENSURE...”

Effective 10 days after Rule adopted

PHYSICAL DISTANCING

- You must “ensure” that “work activities and workflow” are designed to keep “individuals” at least six feet apart
- If you can **demonstrate** that such distancing is not feasible, then narrow to certain activities and mask, face shields, or face coverings must be worn

VEHICLES WHEN TRANSPORTING WORKERS

- Vehicle limited to half of its legal passenger capacity or two, whichever is higher
- Must wear face masks or shields the entire time, unless workers are from same household

MASKS, FACE COVERINGS AND FACE SHIELDS

- Who? **All** individuals five years or older (includes workers, customers, vendors, patrons, contractors, etc.)
- When? Areas subject to employer's control, including transportation
- Exceptions?
 - In private, individual workspace not shared with others
 - Actively eating or drinking
 - Medical examination, procedure, or service
 - Identity verification
 - Sleeping
 - Not feasible (ex. commercial diving activities)
- How? Supplied by employer at no cost to workers

SANITATION

- “Regularly” clean all common and high-touch areas and shared equipment
 - Use disinfectants that are listed on EPA approved list for SARS-CoV-2 virus (www.epa.gov)
 - Common areas: lobbies, bathrooms, break rooms, conference rooms, etc.
 - High-touch surfaces: counter-tops, credit card terminals, door knobs, light switches, handrails, elevator panels, steering wheels, printers, etc.
 - Shared equipment used to perform tasks
- How often?
 - Every 24 hours for areas occupied for less than 12 hours
 - Every eight hours for areas occupied for 12 hours or more
- Hand hygiene – employers must provide supplies and time for washing hands before using shared equipment

POSTING REQUIREMENTS

- COVID-19 Hazards Poster (provided by OSHA/in development)
 - Visible location
 - Electronically to remote employees
 - **By November 8**
- “Mask Required” signs (for Building Operators)
 - <https://sharedsystems.dhsoha.state.or.us/DHSForms/Served/le2728.pdf> (OHA’s poster)

MAXIMIZE VENTILATION

Within two months of rule adoption, employers and building operators should work together to:

- “Maximize the amount of outside air” circulated through HVAC system “to the extent the [existing] system is capable of doing” when employees are in building
- Clean and maintain all filters and intake ports that provide outside air to HVAC system, as frequently as necessary

CONDUCT RISK ASSESSMENT

One month after Rule adopted

OVERVIEW OF RISK ASSESSMENT

- Purpose to reduce risk of infection and spread of COVID-19
- Workplace is anywhere workers work
- Multi-facility vs. site-by-site
- Must include employee feedback
- Must answer 13 questions (22, including subparts), which are laid out in the Rule
- Document, document, document...

RISK ASSESSMENT: 13 QUESTIONS

1. Can EEs telework/WFH? How are EEs encouraged or empowered to do so?
2. What are the routine work distances between EEs? Change during non-routine work activities?
3. What are the routine work distances between EEs and other individuals? Change during non-routine work activities?
4. Modifications to workplace and/or job duties to provide at least six feet of distance between all individuals?
5. Face mask or shield policy at the workplace? How is policy communicated to employees and individuals at workplace?
6. Policy and procedures for reporting COVID-19 signs and symptoms? How are policy and procedures communicated to employees? How might quarantined employees WFH, if well enough?

RISK ASSESSMENT: 13 QUESTIONS

7. How have engineering controls such as ventilation and physical barriers been used to minimize exposure?
8. How have administrative controls been used to minimize exposure?
9. Policies and procedures for reporting workplace hazards related to COVID-19? How are policies and procedures communicated to EEs?
10. Sanitation methods related to COVID-19? How have methods been communicated to employees and other individuals?
11. Have Appendix A specific COVID-19 requirements and “applicable guidance” from OHA been implemented? How are periodic updates incorporated into workplace on an ongoing basis?
12. In mixed employer settings, how are physical distancing, masks, sanitation requirements communicated and coordinated between all employers and their affected employees?
13. How can employer implement controls that provide layer protection from COVID-19 hazards and that minimize reliance on individual EE training and behavior (i.e., WFH)?

HOW TO CONDUCT ASSESSMENT

- Identify the “workplace”: single or multiple facilities; type of areas (ex. plant, shipping, admin offices); types of equipment and workflow
- Must involve participation and feedback from employees
 - Representatives of each facility/work area/job function
 - Ex. safety committee, collective bargaining, employee survey
 - Don’t make hazard worse – remote meetings!
 - Be aware:
 - Reporting safety concerns = protected activity
 - Reporting violations = triggers investigation and remedial actions
 - Disclosing medical condition = ADA implications; confidential
 - Paid time? Required? Voluntary? During work hours?

DOCUMENTING THE ASSESSMENT

Assessment must be recorded, in writing, and include:

- Name, job title, contact information of person who conducted exposure risk assessment
- Date exposure risk completed
- Employee job classifications that were evaluated
- Summary of answers to each exposure risk assessment question

INFECTION CONTROL PLAN

One month after Rule adoption

INFECTION CONTROL PLAN

- All employers must establish and implement a Plan to address any risks identified in the assessment
- If an employer has at least 10 employees in Oregon, the Plan must be in writing and copies must be available to employees
- Site-by-site v. facility type
- Written Plan must cover at least the six elements laid out in the Rule

MANDATORY ELEMENTS

- List of job assignments and tasks requiring personal protective equipment (PPE)
- Procedure to ensure adequate supply of masks and PPE
- List (with a description) of each hazard control measure implemented
- Policy for masks in workplace and methods for informing all necessary individuals
- Procedure for communicating with employee about a potential exposure risk
- Procedure to provide employees with required information and training

EMPLOYEE INFORMATION AND TRAINING

Six weeks after Rule adopted

SUMMARY OF TRAINING

- Provide “workers with information and training regarding COVID-19”
- Must be provided to all workers (ex. in person, virtual, pre-recorded video, written)
- In language affected employees can understand
- Provide opportunity for feedback

MANDATORY TRAINING TOPICS

- Physical distancing
- Face coverings
- Sanitation
- COVID-19 signs and symptoms and reporting procedures
- COVID-19 infection notification to employees
- Quarantine requirements
- Characteristics and methods of transmission of virus
- Ability of pre-symptom and asymptomatic infected person to transmit virus
- Catchall: safe and healthy work practices

BUT WAIT! THERE'S MORE!

OTHER RULE REQUIREMENTS...

- Infection Notification Process
- COVID-19 Testing
- Medical Removal (Isolation and Quarantine)
- OSHA Recordable Incident
- Job protection
- Anti-discrimination
- Appendix A – Industry-Specific and Activity-Specific Rules

QUESTIONS?



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