Oregon OSHA Response During Coronavirus Disease 2019 (COVID-19)

Southern Oregon ASSP – July 7, 2020

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Presentation Highlights

• Updated “Statewide Mask, Face Shield, Face Covering Guidance”

• Enforcement of face covering guidance (Oregon OSHA COVID-19 Workplace Advisory Memo)

• Updated “Interim Guidance for Oregon OSHA Related to COVID-19”

• Upcoming rulemaking for infectious disease

• Oregon OSHA’s response to COVID-19 pandemic
Mission

Advance and improve workplace safety and health for all workers in Oregon
Historical Activities

• Oregon OSHA has been addressing pathogens that can lead to **disease**:
  
  • hepatitis B (HBV),
  • hepatitis C (HCV),
  • acquired immunodeficiency syndrome (AIDS) from HIV
  • tuberculosis (TB) (PD A-215)
Hepatitis B

- Courtesy CDC
HIV

- Courtesy CDC
Tuberculosis (TB)

- Courtesy CDC
Novel virus SARS-CoV-2
COVID-19
SARS-CoV-2 is a distinct coronavirus.

**SARS-CoV-2**, the seventh known human coronavirus and the virus that causes COVID-19, is thought to have jumped species from animals to begin infecting humans.

Several coronaviruses cause common “colds”

Other coronaviruses have led to disease outbreaks, including Severe Acute Respiratory Syndrome (SARS) and Middle East Respiratory Syndrome (MERS).
Spread of COVID-19

- Person-to-person spread.
  - COVID-19 is thought to spread mainly through close contact from person-to-person in respiratory droplets from someone who is infected. People who are infected often—but not always—have symptoms of illness. People without symptoms are able to spread virus.

- Spread from contact with contaminated surfaces or objects.
New Daily Cases
COVID-19 (July 1, 2020)

New reported cases by day in the United States

New reported cases by day in Oregon
Oregon
Thriving & Prosperous

Public Health and Productivity
partners working together

-Masterfile
"In this situation, protecting workers is more than just protecting an individual worker," Berkowitz said. "It's protecting the public."

July 1 - Statewide

“I do not want to have to close down businesses again like other states are now doing. If you want your local shops and restaurants to stay open, then wear a face covering when out in public.”
Face coverings requirement (updated June 30)

July 1 - Statewide

- Applies to businesses and members of the public visiting indoor public spaces. Includes employees, contractors, volunteers, customers and visitors.

- Includes retailers and other public-facing businesses statewide.

https://sharedsystems.dhsoha.state.or.us/DHSForms/Served/le2288K.pdf
Face coverings requirement (updated June 30)

“Businesses”:
- Grocery stores
- Fitness-related organizations
- Pharmacies
- Public transit agencies and providers
- Personal services providers
- Restaurants, bars, breweries, brewpubs, wineries, tasting room and distilleries
- Retail stores, shopping centers and malls
- Ride sharing services
- Phase Two counties only:
  » Indoor licensed swimming pool, licensed spa pool and sports court operators
  » Indoor entertainment facility operators
  » Indoor recreational sports operators for specified sports
  » Indoor venue operators
Face coverings requirement (updated June 30)

July 1 - Statewide

- Not required when eating/drinking

- Not required when at or in a location where the employee, contractor or volunteer is not interacting with the public and six (6) or more feet of distance can be maintained between other people.

- Not required during activity that makes wearing a mask, face shield or face covering not feasible, exercise, singing, playing instrument IF at least 6’ distance
Face coverings requirement (updated June 30)

July 1 - Statewide

The following people should not wear face coverings:

• Children under age 2 years

• Anyone who has a medical condition that makes it hard to breathe when wearing a face covering.

• Anyone who has a disability that prevents the individual from wearing a face covering.
Face coverings requirement
(updated June 30)

Post Signs

Post clear signs about the mask, face shield, or face covering requirements.

https://sharedsystems.dhsoha.state.or.us/DHSForms/Served/le2728.pdf
Face coverings requirement

Oregon OSHA

COVID-19 Workplace Advisory Memo (6.27b)

Business/Employer Enforcement of the Oregon Health Authority, “Statewide Mask, Face Shield, Face Covering Guidance”
Oregon OSHA COVID-19
Workplace Advisory Memo (6.27b)

- Includes “businesses and others responsible for indoor spaces”
- Some sectors follow sector specific guidance
If customers or visitors are not wearing a mask, face shield, or facial covering, Oregon OSHA expects a business or other responsible for indoor spaces to take the following measures:

• If an employee or other representative of the employer encounters a customer or visitor without a mask, face shield or facial covering, they should politely draw the customer or visitor’s attention to the public health requirement to wear a mask, face shield, or face covering.
If no mask, face shield, or facial covering:

• **Best Practice**: Arrange to greet customers upon entry so that the issue can be addressed as they enter the store.

• **Best Practice**: Keep a supply of inexpensive disposable face coverings to offer customers or guests who do not have one.
If medical condition or disability that prohibits them from wearing a mask, face shield or face covering,

- Employer may offer them an accommodation – an alternative method of service that would still protect others in the business or indoor space (such as curbside pickup if practical, shopping from a catalog, etc.), or ask them if a face shield would be a suitable option.

**Best Practice:** Keep a supply of face shields that can be loaned and then sanitized between uses.
• If an individual declines to wear a mask, face shield or face covering, the employer (or their representative) should politely inquire as to whether the person has a medical condition or disability that prevents them from wearing a mask.
If no relevant medical condition or disability, but refuses to answer or refuses to wear:

- They should be politely told that the employer cannot serve them and that they need to leave the premises. Under no circumstances should the employer or their representative attempt to physically block an individual from entering or physically remove them from the premises. If the individual refuses to leave, the business or other organization should follow whatever procedures would normally be employed if an individual refuses to leave the establishment when asked to do so.

**Best Practice:** Offer the same options to shop outside the business to individuals who choose not to wear a mask, face shield or face covering as you would to someone with a disability or medical condition.
Best Practice: Make sure employees know that, if an individual indicates they have difficulty hearing or understanding them with the mask or face covering it is appropriate to step farther away, then to lift or remove the mask or face covering.
Interim Guidance for Oregon OSHA Related to COVID-19
Updated June 29, 2020
First and foremost, employers do need to understand that, even in unusual times like this, employees are still exposed to hazards and it is still the employers’ responsibility to ensure that their employees are adequately protected from those hazards. This expectation does not change.
Interim Guidance for Oregon OSHA Related to COVID-19 (June 29, 2020)

- **Initial training** - in-house (such as hazard communication or silica), continue as normal while keeping in mind social distancing and making use of teleconferencing techniques.

- **Annual training or operator certifications** - due between March 1, 2020 and when Oregon OSHA rescinds the memo, Oregon OSHA will be accepting the employer’s declaration that such training is not feasible at the present time and therefore we will not cite it.
Re-certifications and annual testing - (such as forklifts and cranes) that expire between March 1 through the time that we rescind this memo that require outside expertise or other outside providers. Oregon OSHA will be accepting the employer’s declaration that such training is not feasible at the present time and therefore we will not cite it.

Those that the employer can perform in-house must still be done.
Interim Guidance for Oregon OSHA Related to COVID-19
(June 29, 2020)

- **Annual/periodic medical monitoring** - (such as audiograms or blood lead level testing), and;

- **Annual respirator fit testing** – If choose not to conduct for the safety of workers relating to COVID-19 or because medical services are not able to be conducted due to COVID-19 restrictions, rescheduling this testing once the memo is rescinded would be acceptable.

- **Initial medical monitoring & fit testing** – genuine feasibility and “greater hazard” issues related to such requirements will be addressed on a case-by-case basis
Interim Guidance for Oregon OSHA Related to COVID-19

- **Annual Confined Space Rescue Training** - maintain annual training requirements while following the COVID-19 guidance from Oregon Health Authority and Centers for Disease Control.

- **Agriculture Labor Housing** – will grant interim approvals for new or modified housing based on a review of application materials (supplemented by photographs or other materials that we request during the review) *without the onsite visit* that we normally require.
Interim Guidance for Oregon OSHA Related to COVID-19

- **Safety Committees/Safety meetings** - expect employers to continue to hold safety committee meetings, and employers can look at alternatives to meeting in person (such as teleconferencing, web-based meetings, etc.).

- **Quarterly inspections** - will not be enforcing from March 1 through the time that we rescind this memo, as long as the employer has systems in place for employees to report hazards and a mechanism to evaluate and follow-up on those reports.
Interim Guidance for Oregon OSHA Related to COVID-19

**Safety Committees/Safety meetings** - if the employer determines (after due diligence evaluations) that alternatives to in-person meetings simply don’t work, we will allow for a suspension of those meetings from March 1 through the time that we rescind this memo, as long as all of the following are met:

- The employer has a reliable method for employees to report hazards.
- Those reported hazards are evaluated by members of the safety committee, or the employer evaluates the reported hazards when there is no safety committee.
- The employer ensures that the findings of the reported hazard are clearly communicated to all affected employees, including safety committee members.
- When operations return to normal, the safety committee compiles all issues and hazards reported during this time period to evaluate if any further action is necessary. When there is no safety committee, the employer will perform this evaluation.
Interim Guidance for Oregon OSHA Related to COVID-19

“This citation guidance will remain in effect until a sufficient number of Oregon counties have entered into Phase III and it is evident that the elements addressed in this memo become sufficiently available. Oregon OSHA will rescind this memo at that time.”
Infectious disease rulemaking
Infectious disease rulemaking

Cal/OSHA – 2009
• **Aerosol Transmissible Disease (ATD) standard**
  - Healthcare industry

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**It's official; CA has infectious airborne disease standard**

*OSHA Healthcare Connection, July 14, 2009*

The first standard to protect healthcare workers from the spread of airborne pathogens will go into effect in California August 5.

As the OSHA Healthcare Connection reported earlier, Cal/OSHA Standards Board unanimously approved the Aerosol Transmissible Disease (ATD) standard on May 21. Now the ATD standard will be added to the California Code of Regulations as Title 8, section 5199, according to a July 7 Cal/OSHA news release.

To read about the specific requirements of the standard, go to the OSHA Healthcare Advisor post, "Aerosol transmissible disease standard approved for California."

Also, accompanying the ATD standard is the Zoonotic Disease standard, which covers employees working around animals where many infectious diseases originate.

-HCPro
Infectious disease rulemaking

- Emergency infectious disease rulemaking – Summer 2020
- Possible permanent infectious disease rule – Spring 2021
- Assumes health care (and related activities) and the general workplace would require distinct (although interrelated) sets of requirements.
- Oregon OSHA website: “Upcoming Rulemaking”
Infectious disease rulemaking

- **Week of July 6**: Begin External Stakeholder meetings series of industry-focused “workshops” to discuss elements of temporary rule

- **September 1, 2020**: planned adoption and effective date of temporary infectious disease rules.
Infectious disease rulemaking

• Spring 2021:

Make a decision to adopt, modify or withdraw one or both rules, with effective date of any rule adopted to be March 1.

• “Airborne Infectious Disease in Health Care”

• “Airborne Infectious Disease in the General Workplace”
Response
Limit Spread of Virus
(March 2020)

• Executive Orders by the Governor
  • Prohibiting Dine-In – March 17

• Conserve PPE; Prohibition on Elective and Non-urgent Procedures - March 19

• Stay Home, Save Lives – March 23
  • Certain business closed (close contact)
  • Social Distancing policy
  • Workspace Restrictions
Response (March 2020)

- Coordinate with Oregon Emergency Management

“flatten the curve”

-Wired.com
Response
Answering calls from public

- Oregon OSHA received concerns and complaints related to work practices
  - More than annual average of calls in about 12 days
  - Across all industries that were operating

- Reached out to employers about complaints
  - Multiple complaints for same employer at times
Response
Abatement Assistance

• Abatement assistance for those employers that asked
Response

PPE

- Evaluated PPE for State stockpile

Photos: California Dept. of Public Health
Response
Temporary Rulemaking

• Agriculture
  • Temporary Administrative Rule Addressing the COVID-19 Public Health Emergency in Labor Housing and Agricultural Employment
Response
Restarting Work Safely

- **Food Processing**
  - Task force with OHA and Department of Agriculture

- **Construction**
  - Task force to support construction activities

- **Wine making**
  - Willamette Valley Wineries Assoc. Task Force
    - “Guidelines for Wine Tasting Room Operations”
Response
Restarting Work Safely

• Input on occupational safety & health measures
  • PPE Strategies for healthcare
  • Dental joint guidance with OHA
  • Restaurants, Bars, Brew- Pubs
  • Outdoor Recreation
  • Other sectors...
Response
Enforcement & Consultation

• Inspections
  – three willful violations

• Use of face coverings
Response
Enforcement & Consultation

- Remote & onsite consultations
- Abatement assistance
- Information about best practices and interim requirements
  - Construction
  - Utilities
  - Recycling
  - Dental clinics
  - Wineries
Ongoing Services

• Coordinate with Oregon Emergency Management
• Information source for Oregon employers and employees
  • Exec. Order – Meat and Poultry Production
  • Work practices aligned with restarting framework
• Enforcement of safe work practices
• Consultative services
  • Phasing in consultation services
    • Outdoor
    • Indoor
    • Full services
Reopening
Reopening

• Governor Brown will announce sectors that will be allowed to reopen

• Oregon OSHA does not approve sectors for reopening
• Businesses that were ordered to stop operations must wait until Governor Brown gives the go ahead.

• Oregon OSHA does NOT approve any business for reopening.
Reopening Oregon

OREGON COUNTIES APPROVED TO ENTER PHASE 2

Building a safe and strong Oregon

June 19, 2020

You can get this document free of charge in other languages, large print, braille or a format you prefer. Contact Mavel Morales at 1-844-882-7889, 711 TTY or OSHA.ADModifications@dhsoha.state.or.us.

OAH-23210 (6/19/2020)
Resources

• Centers for Disease Control & Prevention (CDC)
• Oregon Health Authority (OHA) – **Reopening Oregon**
• Oregon OSHA COVID-19 webpage
• Federal OSHA COVID-19 website
• Local public health departments (county) -
• Industry Associations and Trade groups
N95 Decontamination

• Battelle CCDS™
  • May 8 – Eugene
  • Filtering facepiece respirators must be compatible according to the manufacturer.
Thank you

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https://osha.oregon.gov/Pages/Contact-Technical.aspx