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November 17, 2020

Oregon-OSHA Issues Extensive COVID-19 Rule

General Rules

Oregon's Occupational Safety and Health Administration (OSHA) has issued a [temporary rule](#) in response to the COVID-19 pandemic that went into effect on November 16, 2020, although many of the rule's requirements have a later effective date.

Many of the restrictions in the rule have been contained in Centers for Disease Control (CDC) guidance for a while. For example, employers are to modify workplaces to allow social distancing at six feet unless it is not feasible.

All employees in the workplace must wear a mask, face covering, or face shield (although face shields are not recommended unless necessary as an accommodation) in all indoor settings, unless they are in a private, individual workspace that is not shared with other people. Masks must also be worn whenever workers cannot socially distance outside. When employees are in a vehicle, all employees must wear a mask or a respirator. Employers must provide the facial coverings at no cost but may allow employees to wear their own facial covering.

Employers must regularly sanitize all common areas, shared equipment, and high-touch surfaces at least once every 24 hours. Where the workplace is occupied more than 12 hours per day, the workplace must be sanitized twice with cleanings separated by at least eight hours. There are exceptions for minimally staffed workplaces. Employers also must provide employees with supplies necessary to sanitize more frequently if a worker chooses to do so and they must provide adequate equipment for hand hygiene.

Employers must post a COVID-19 hazards poster provided by OSHA in a central location where employees can be expected to see it each day.

COVID-19 Notification Process

Employers must have a policy and process to notify employees within 24 hours in the event that they may have been exposed. Exposure is defined as being within six feet for 15 minutes or more to an individual who has tested positive for COVID-19, even if the exposed individual was wearing a mask. In addition, all employees in the facility, or a well-defined portion of the facility, must receive notice that an individual diagnosed with COVID-19 was present in the facility. This part of the rule went into effect on November 16, 2020, and employers can satisfy the rule by adopting the OSHA model policy. OSHA also specifically noted that COVID-19 cases may be required to be reported within 24 hours of identification under existing Oregon Health Authority (OHA) rules.

Exposure Risk Assessment and Infection Control Plan

As a part of creating an infection control plan, all employers must conduct, with employee involvement, an exposure risk assessment that covers 13 specific areas. This must be completed by December 7, 2020. OSHA has a draft risk assessment form available on its website. Risks to evaluate include teleworking, social distancing, mask policy, COVID-19 reporting and isolation for removal, engineering controls such as ventilation, administrative controls such as decreasing staff on premises or foot traffic, COVID-19 hazard reporting policy, sanitation methods, and implementation of any industry-specific guidelines. The assessment must result in a written document if there are more than 10 employees in a workplace.

Training

By December 21, 2020, employers must have established a training program and completed training of employees regarding distancing, face coverings, sanitation, COVID-19 reporting, and how individuals who are ill will be removed from the workplace.

Ventilation

Within two months after the adoption of the rule, employers must maximize the amount of outside air circulated through their existing heating ventilation and air conditioning to the extent possible. This does not require new equipment. Employers are also required to maintain and replace air filters as necessary, and clean, maintain, and clear any air intake ports. If an employer's systems comply with certain national standards, they will be deemed compliant.

Rules for Specific Workplaces

A series of much more extensive rules apply to workplaces for exceptional risk such as those dealing with direct patient care, aerosol-generating healthcare post-mortem procedures, residential care or assisted living facilities, in-home care, first responders and the handling of human remains, tissue specimens, or laboratory cultures. In addition, a number of industries such as restaurants and bars, personal service providers, and indoor/outdoor entertainment facilities, have industry specific guidance that they must follow. This guidance is covered in Appendix A of the rule.

What You Need to Do Now

All Oregon employers should immediately become familiar with the new rule. It is likely that many of the basic requirements are already in place, such as physical distancing, masking, and sanitation. A plan and policy to notify employees of COVID-19 in the workplace must be adopted. In addition, employers will need to appoint an individual to work with employees to complete an employer risk assessment. Employers will also need to identify an infection control plan and provide for the provision of information and training to employees. Those employers for which there is mandatory industry-specific guidance, should carefully review and follow that guidance. The new rule, required poster, assessment questions, and model notification policy can be found at <https://osha.oregon.gov/rules/advisory/infectiousdisease/Pages/default.aspx> .

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