Oregon OSHA Proposes Temporary Rule to Address COVID-19 in All Workplaces

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Salem, OR (WorkersCompensation.com) - Oregon OSHA is proposing a temporary rule that would combat the spread of coronavirus in all workplaces by requiring employers to implement risk-reducing measures. Those measures include social distancing, barriers, face coverings, cleanings, and information sharing.

In addition to requirements that would apply to all workplaces, the rule encompasses further requirements for certain job duties involving close-in work activities, as well as health care activities involving direct patient care.

“This rule proposal reflects the need to provide both clearer and more stable guidance in the workplace than has been possible during the height of the COVID-19 emergency,” said Michael Wood, administrator for Oregon OSHA. ”We look forward to more review and feedback as we seek to further bolster on-the-job protections for workers against this disease.”

Oregon OSHA is accepting public comments on the proposal through Monday, Aug. 31. Send comments to tech.web@oregon.gov.

The division is scheduling virtual public forums to discuss the rule. The full text of the draft standard – as well as background documents and other up-to-date information – is now available.

The temporary rule, which could take effect no later than Monday, Sept. 14, would remain in effect for 180 days. The rule contains multiple provisions that would apply to all workplaces.

For example, employers would have to ensure six-foot distancing between all people in the workplace. That would include designing work activities and the workplace to eliminate the need for any worker to be within six feet of another person.

If such separation is not practical, the employer would have to ensure that face coverings are worn and that as much distance as practical is maintained.

The distancing requirement could be met with an impermeable barrier that creates a “droplet buffer” of at least six feet in distance as measured between the mouths of the affected people.

Another example pertains to all high-contact surfaces used by multiple employees, such as door handles and cash registers. Employers would have to ensure that such surfaces are thoroughly cleaned at the beginning of each shift.

Meanwhile, the draft rule includes additional measures for jobs requiring an employee to be within six feet of another person for 15 minutes or longer if it includes direct contact. Examples of such activities include tattooing, massage, and hair dressing.

In those situations, employers would need to conduct a COVID-19 exposure risk assessment. Such an assessment would account for a variety of risk elements, including the anticipated or actual working distance between all employees and the frequency, duration, and variety of close-in work activities.
The draft rule contains an additional requirement for employers engaged in such health care activities as direct patient care, aerosol-generating procedures, and emergency first-responder work: developing and implementing an infection control plan. The plan would need to include such steps as outlining worker tasks requiring the use of personal protective equipment, spelling out hazard control measures, and describing face-covering requirements.

Oregon OSHA announced on June 26 that it had begun work on a draft temporary rule addressing COVID-19. The division conducted the work in consultation with the Oregon Health Authority, technical advisors, and affected stakeholders. At the same time, the division continues to pursue permanent rulemaking that would provide a structure for addressing potential future disease outbreaks.