

OSHA Releases COVID-19 Guidance

Presented by

The Franklin Partnership, LLC

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All information presented as of January 29, 2021

President's COVID Workplace Executive Order

Sec. 2. Protecting Workers from COVID-19 Under the Occupational Safety and Health Act. The Secretary of Labor, acting through the Assistant Secretary of Labor for Occupational Safety and Health, in furtherance of the policy described in section 1 of this order and consistent with applicable law, shall:

(a) issue, within 2 weeks of the date of this order and in conjunction or consultation with the heads of any other appropriate executive departments and agencies (agencies), revised guidance to employers on workplace safety during the COVID-19 pandemic;

(b) consider whether any emergency temporary standards on COVID-19, including with respect to masks in the workplace, are necessary, and if such standards are determined to be necessary, issue them by March 15, 2021;

January 21, 2021

New OSHA Guidance Released

Protecting Workers: Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace

OSHA will update this guidance over time to reflect developments in science, best practices, and standards.

Guidance posted **January 29, 2021**

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New OSHA Guidance: COVID Prevention Program

1. **Assignment of a workplace coordinator** who will be responsible for COVID-19 issues on the employer's behalf.
2. **Identification of where and how workers might be exposed to COVID-19 at work.** This includes a thorough hazard assessment to identify potential workplace hazards related to COVID-19. This assessment will be most effective if it involves workers (and their representatives) because they are often the people most familiar with the conditions they face.
3. **Identification of a combination of measures that will limit the spread of COVID-19 in the workplace, in line with the principles of the hierarchy of controls.** This should include a combination of eliminating the hazard, engineering controls, workplace administrative policies, personal protective equipment (PPE), and other measures, prioritizing controls from most to least effective, to protect workers from COVID-19 hazards. Key examples (discussed in additional detail below) include:
In addition to these general guidelines, more specific guidance is available for certain industries.
 - A. eliminating the hazard by separating and sending home infected or potentially infected people from the workplace;
 - B. implementing physical distancing in all communal work areas [includes remote work and telework];
 - C. installing barriers where physical distancing cannot be maintained;
 - D. suppressing the spread of the hazard using face coverings;
 - E. improving ventilation;
 - F. using applicable PPE to protect workers from exposure;
 - G. providing the supplies necessary for good hygiene practices; and
 - H. performing routine cleaning and disinfection.
4. **Consideration of protections for workers at higher risk for severe illness through supportive policies and practices.** Older adults and people of any age who have serious underlying medical conditions are at higher risk for severe illness from COVID-19. Workers with disabilities may be legally entitled to "reasonable accommodations" that protect them from the risk of contracting COVID-19. Where feasible, employers should consider reasonable modifications for workers identified as high-risk who can do some or all of their work at home (part or full-time), or in less densely-occupied, better-ventilated alternate facilities or offices.

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5. ***Establishment of a system for communicating effectively with workers and in a language they understand.*** Ask workers to report to the employer, without fear of reprisal (see 12 below), COVID-19 symptoms, possible COVID-19 exposures, and possible COVID-19 hazards at the workplace. Communicate to workers, in a language they can understand and in a manner accessible to individuals with disabilities, all policies and procedures implemented for responding to sick and exposed workers in the workplace. See below for additional elements involving [educating and training workers of COVID-19 procedures](#).

In addition, a best practice is to create and test two-way communication systems that workers can use to self-report if they are sick or have been exposed, and that employers can use to notify workers of exposures and closures, respectively.

6. ***Educate and train workers on your COVID-19 policies and procedures using accessible formats and in a language they understand.*** Communicate supportive workplace policies clearly, frequently, in plain language that workers understand (including non-English languages, and American Sign Language or other accessible communication methods, if applicable), and in a manner accessible to individuals with disabilities, and via multiple methods to employees, contractors, and any other individuals on site, as appropriate, to promote a safe and healthy workplace. Communications should include:
- Basic facts about COVID-19, including how it is spread and the importance of physical distancing, use of face coverings, and hand hygiene. See [About COVID-19 and What Workers Need to Know About COVID-19](#), above and see more on [physical distancing](#), [PPE](#), [face coverings](#), and [hygiene](#), respectively, below;
 - Workplace policies and procedures implemented to protect workers from COVID-19 hazards (the employer's COVID-19 prevention program); and
 - Some means of tracking which workers have been informed and when.

In addition, ensure that workers understand their rights to a safe and healthful work environment, whom to contact with questions or concerns about workplace safety and health, and their right to raise workplace safety and health concerns free of retaliation. This information should also be provided in a language that workers understand. (See [Implementing Protections from Retaliation](#), below.) Ensure supervisors are familiar with workplace flexibilities and other human resources policies and procedures.

7. ***Instruct workers who are infected or potentially infected to stay home and isolate or quarantine*** to prevent or reduce the risk of transmission of COVID-19. Ensure that absence policies are non-punitive. Policies that encourage workers to come to work sick or when they have been exposed to COVID-19 are disfavored. See below for additional guidance involving [eliminating the hazard](#).

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8. **Minimize the negative impact of quarantine and isolation on workers.** When possible, allow them to telework, or work in an area isolated from others. If those are not possible, allow workers to use paid sick leave, if available, or consider implementing paid leave policies to reduce risk for everyone at the workplace. The [Families First Coronavirus Response Act](#) provides certain employers 100% reimbursement through tax credits to provide employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19 through March 31, 2021.
9. **Isolating workers who show symptoms at work.** Workers who appear to have [symptoms](#) upon arrival at work or who develop symptoms during their work shift should immediately be separated from other workers, customers, and visitors, sent home, and encouraged to seek medical attention. See below for additional elements involving [screening and testing](#).
10. **Performing enhanced cleaning and disinfection after people with suspected or confirmed COVID-19 have been in the facility.** If someone who has been in the facility is suspected or confirmed to have COVID-19, follow the [CDC cleaning and disinfection recommendations](#). This includes:
 - a. **Closing areas** used by the potentially infected person for enhanced cleaning.
 - b. **Opening outside doors and windows** to increase air circulation in the area.
 - c. **Waiting as long as practical** before cleaning or disinfecting (24 hours is optimal).
 - d. Cleaning and disinfecting **all immediate work areas and equipment used by the potentially infected person**, such as offices, bathrooms, shared tools and workplace items, tables or work surfaces, and shared electronic equipment like tablets, touch screens, keyboards, and remote controls.
 - e. **Vacuuuming the space if needed.** Use a vacuum equipped with a high-efficiency particulate air (HEPA) filter, if available. Wait until the room or space is unoccupied to vacuum.
 - f. **Providing cleaning workers with disposable gloves.** Additional PPE (e.g., safety glasses, goggles, aprons) might be required based on the cleaning/disinfectant products being used and whether there is a risk of splash.
 - g. After cleaning, **disinfecting the surface with an appropriate EPA-registered disinfectant on List N: Disinfectants for use against SARS-CoV-2.**
 - h. **Following requirements** in OSHA standards 29 CFR 1910.1200 and 1910.132, 133, and 138 for hazard communication and PPE appropriate for exposure to cleaning chemicals.

Once the area has been **appropriately disinfected**, it can be opened for use. Workers without close contact with the potentially infected person can return to the area immediately after disinfection.

If it is **more than 7 days** since the infected person visited or used the facility, additional cleaning and disinfection is not necessary. Continue [routine cleaning and disinfection](#), described below.

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11. **Providing guidance on screening and testing:** Follow state or local guidance and priorities for screening and viral testing in workplaces. Testing in the workplace may be arranged through a company's occupational health provider or in consultation with the local or state health department. Employers should inform workers of employer testing requirements, if any, and availability of testing options. CDC has published [strategies](#) for consideration of incorporating viral testing for SARS-CoV-2, the virus that causes COVID-19, into workplace COVID-19 preparedness, response, and control plans. (See below for more on the use of testing to determine when a worker may return to work after illness or exposure.)

Note: Performing screening or health checks is not a replacement for other protective measures such as face coverings and physical distancing. Asymptomatic individuals or individuals with mild non-specific symptoms may not realize they are infected and may not be detected during through screening.

12. **Recording and reporting COVID-19 infections and deaths:** Employers are responsible for recording work-related cases of COVID-19 illness on their Form 300 logs if the following requirements are met: (1) the case is a confirmed case of COVID-19; (2) the case is [work-related](#) (as defined by 29 CFR 1904.5); and (3) the case involves one or more [relevant recording criteria](#) (set forth in 29 CFR 1904.7) (e.g., medical treatment, days away from work). Employers must follow the requirements in 29 CFR 1904 when [reporting COVID-19 fatalities and hospitalizations to OSHA](#). More information is available [on OSHA's website](#). Employers should also report outbreaks to health departments as required and support their contact tracing efforts.

In addition, employers should be aware that reprisal or discrimination against an employee for speaking out about unsafe working conditions or reporting an infection or exposure to COVID-19 to an employer or OSHA would constitute a violation of [Section 11\(c\) of the Act](#). In addition, 29 CFR 1904.35(b) also prohibits discrimination against an employee for reporting a work-related illness.

13. **Implementing protections from retaliation and setting up an anonymous process for workers to voice concerns about COVID-19-related hazards:** [Section 11\(c\) of the OSH Act](#) prohibits discharging or in any other way discriminating against an employee for engaging in various occupational safety and health activities. For example, employers may not discriminate against employees for raising a reasonable concern about infection control related to COVID-19 to the employer, the employer's agent, other employees, a government agency, or to the public, such as through print, online, social, or any other media; or against an employee for voluntarily providing and wearing their own personal protective equipment, such as a respirator, face shield, gloves, or surgical mask.

In addition to notifying workers of their rights to a safe and healthful work environment, ensure that workers know whom to contact with questions or concerns about workplace safety and health, and that there are prohibitions against retaliation for raising workplace safety and health concerns or engaging in other protected occupational safety and health activities (see [educating and training workers about COVID-19 policies and procedures](#), above); also consider using a hotline or other method for workers to voice concerns anonymously.

14. **Making a COVID-19 vaccine or vaccination series available at no cost to all eligible employees.** Provide information and training on the benefits and safety of vaccinations.

15. **Not distinguishing between workers who are vaccinated and those who are not:** Workers who are vaccinated must continue to follow protective measures, such as wearing a face covering and remaining physically distant, because at this time, there is not evidence that COVID-19 vaccines prevent transmission of the virus from person-to-person. The CDC [explains](#) that experts need to understand more about the protection that COVID-19 vaccines provide before deciding to change recommendations on steps everyone should take to slow the spread of the virus that causes COVID-19.

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New OSHA COVID Guidance – Face Coverings

Suppressing the Spread of the Hazard Using Face Coverings

Provide all workers with face coverings (i.e., cloth face coverings, surgical masks), unless their work task requires a respirator. Employers should provide face coverings to the workers at no cost. Employers must discuss the possibility of "reasonable accommodation" for any workers who are unable to wear or have difficulty wearing certain types of face coverings due to a disability. In workplaces with employees who are deaf or have hearing deficits, employers should consider acquiring masks with clear coverings over the mouth for all workers to facilitate lip-reading.

Face coverings should be made of at least two layers of a tightly woven breathable fabric, such as cotton, and should not have exhalation valves or vents. They should fit snugly over the nose, mouth, and chin with no large gaps on the outside of the face.

Require any other individuals at the workplace (e.g., visitors, customers, non-employees) to wear a face covering unless they are under the age of 2 or are actively consuming food or beverages on site.

- Wearing a face covering that covers the nose and mouth is a measure to contain the wearer's respiratory droplets and helps protect others. It may also protect the wearer.
- Wearing a face covering does not eliminate the need for physical distancing of at least 6 feet apart.
- For operations where the face covering worn by workers can become wet and soiled, provide workers with replacements daily or more frequently. Face shields may be provided for use with face coverings to protect them from getting wet and soiled, but they do not provide protection by themselves.
- Workers in a setting where face coverings may increase the risk of heat-related illness indoors or outdoors or cause safety concerns due to introduction of a hazard (for instance, straps getting caught in machinery) may consult with an occupational safety and health professional to determine the appropriate face covering/respirator for their setting.

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New OSHA Guidance – Physical Space

Implement Physical Distancing in All Communal Work Areas

The best way to protect individuals is to stay far enough away so as not to breathe in particles produced by an infected person – generally at least 6 feet, although this is not a guarantee of safety, especially in enclosed spaces or those with poor ventilation.

- Limit the number of people in one place at any given time:
 - Implement flexible worksites (e.g., telework).
 - Implement flexible work hours (e.g., rotate or stagger shifts to limit the number of workers in the workplace at the same time).
 - Deliver services remotely (e.g., phone, video, or web).
 - Implement flexible meeting and travel options (e.g., postpone non-essential meetings or events, in accordance with state and local regulations and guidance on size limits for meetings).
- Increase physical space:
 - Between workers at the worksite to at least 6 feet. This may require modifying the workspace or slowing production lines.
 - **Between workers and customers** by adjusting business practices to reduce close contact with customers — for example, by moving the electronic payment terminal/credit card reader farther away from the cashier, or by providing drive-through service, click-and-collect online shopping, shop-by-phone, curbside pickup, and delivery options.
- Alter workspaces to help workers and customers maintain physical distancing and physically separate workers by at least 6 feet from each other and from customers. Methods of physical distancing include signs, tape marks, decals, or other visual cues, placed 6 feet apart, to indicate where to stand.
- Shift primary stocking activities to off-peak or after hours, to reduce contact with customers.
- Offer **vulnerable workers** duties that minimize their contact with customers and other workers (e.g., restocking shelves rather than working as a cashier), if the worker agrees to this.
- Other measures that may reduce close contact:
 - Close or limit access to common areas where workers are likely to congregate and interact.
 - Prohibit handshaking or other forms of physical contact.
 - Ensure that all businesses and employers sharing the same workspace follow this guidance.
- When work tasks do not allow for adequate physical distancing, employers should check for additional **industry-specific guidance**.

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New OSHA Guidance – Use of Physical Barriers

Installing Barriers Where Physical Distancing Cannot Be Maintained

At fixed workstations where workers are not able to remain at least 6 feet away from other people, transparent shields or other solid barriers (e.g., plexiglass, flexible strip curtains) should be installed to separate workers from other people.

- The barriers should block face-to-face pathways between individuals in order to prevent direct transmission of respiratory droplets. The posture (sitting or standing) of users should be considered when designing and installing barriers.
- Where an opening in the barrier is necessary to permit the transfer of items, the opening should be as small as possible.
- Barriers do not replace the need for physical distancing – 6 feet of separation should be maintained between individuals whenever possible.

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New OSHA Guidance – Use PPE If More Protection Needed

Use Personal Protective Equipment When Necessary

When the measures described above cannot be implemented or do not protect workers fully, OSHA standards require employers to provide PPE to supplement other controls.

- Determine what PPE is necessary to protect workers.
- Provide all PPE, if necessary, including respirators (N95 filtering facepiece respirators or better, including elastomeric respirators, without exhalation valves or vents), face shields, protective gowns and gloves, to the workers at no cost.
- Make sure to provide PPE in accordance with [relevant OSHA standards](#) and other [industry-specific guidance](#). Respirators, if necessary, must be provided and used in compliance with 29 CFR 1910.134 (e.g., medical determination, fit testing, training on its correct use), including certain provisions for voluntary use when workers supply their own respirators, and other PPE must be provided and used in accordance with the applicable standards in 29 CFR 1910, Subpart I (e.g., 1910.132 and 133). See additional information on PPE flexibilities and prioritization in the Personal Protective Equipment Considerations section within the [Interim Guidance for U.S. Workers and Employers of Workers with Potential Occupational Exposures to SARS-CoV-2](#).
- There are times when PPE is not required under OSHA standards or other industry-specific guidance, but some workers may have a legal right to PPE as a "reasonable accommodation" under the Americans with Disabilities Act, or other workers may want to use it if they are still concerned about their personal safety (e.g., if a family member is at higher-risk for severe illness, wearing a face shield in addition to a face covering as an added layer of protection). Encourage and support voluntary use of PPE in these circumstances.

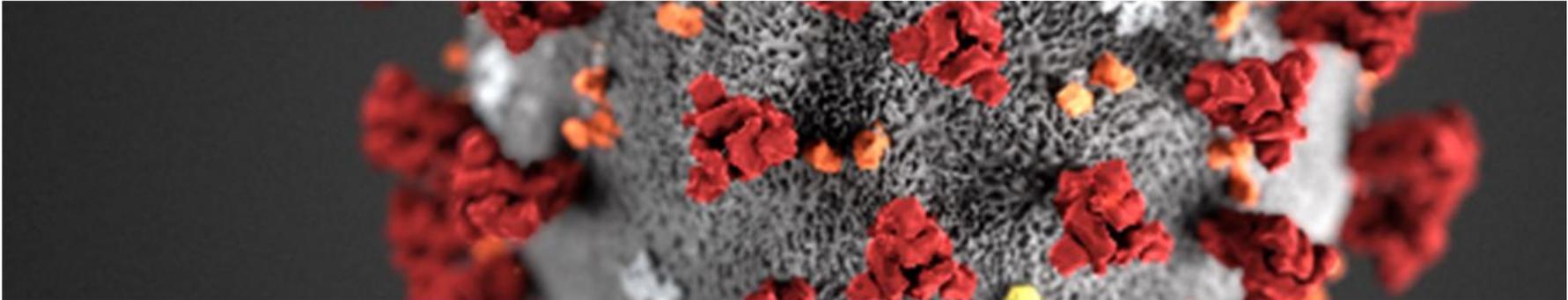


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OSHA Keeps Industry-Specific Guidance As Well

Guidance by Industry



All Industries	Healthcare
Agriculture	In-Home Repair Services
Airline Operations	Laboratories
Automotive Services	Manufacturing
Border Protection and Transportation Security	<ul style="list-style-type: none">▪ Manufacturing Industry Workforce▪ Manufacturing Workers and Employers▪ Assembly Lines
Cleaning Services	

<https://www.osha.gov/coronavirus/guidance/industry>

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