



Summary of Key Issues Oregon COVID-19 Labor Housing Rules

Oregon OSHA has adopted a COVID-19 rule specific to employer-provided housing, which supplements the comprehensive workplace COVID-19 rule and also replace the requirements of Executive Order 20-58 (which expired April 30). This document provides a summary of the significant issues in the proposed rule and how they were resolved in the rule as adopted.

1. **Distancing.** *The rule proposed to continue to require that housing operations be designed to allow 6' distancing whenever possible.*

This received little comment outside the context of sleeping room. The rule as adopted includes the 6' requirement as the standard.

2. **Toilets.** *The rule would eliminate the previous requirement for extra toilets, returning to the underlying permanent rule requiring one toilet for every 15 occupants.*

This received little comment. The rule as adopted does not address toilets.

3. **Cleaning of Chemical Toilets.** *The proposed rule would reduce the requirement for sanitation of common use areas from two or three times daily to once daily.*

This received little comment. The rule as adopted reflects the change.

4. **Quarantine and Isolation.** *The proposed rule includes provisions related to suspect or confirmed COVID-19 cases that are similar to those in the previous rule, requiring employers to provide separate facilities IF POSSIBLE but otherwise to seek guidance from OHA or local public health. The rule as adopted reflects the change.*

5. **Households and Related Individuals.** *The proposed rule shifts to the use of members of the same pre-existing household, rather than "related individuals," in relation to bunkbeds and certain other requirements.*

While the change to households was generally supported by both business and labor, business objected to the requirement that the household be "pre-existing" and some employers objected to the loss of the option to house related individuals who were not part of the same household together. The rule as adopted exempts both related individuals and those from the same pre-existing household from certain density and distancing requirements.

6. **Air purifiers.** *The proposed rule would provide two options for sleeping areas – one that allows somewhat greater density than the previous rule and the other requiring still lower density – depending upon whether operators choose to use air purifiers.*

If operators use air purifiers as specified by the rule, they would be able to measure the 6' separation of beds using the center point of a single-occupancy bed rather than the frame (effectively allowing the beds to be roughly two feet closer together than permitted under the previous rule). If they do not use air purifiers, they would need to ensure at least 6' separation between the bed frames *and* the sleeping rooms would need to provide at least 100 sf per person (compared to a normal requirement of 50 sf per person). The use of impermeable barriers in lieu of distancing would no longer be permitted.

Although worker advocates support the use of air purifiers, they oppose the relaxation of the requirements to encourage their use and would prefer that the rule require both air purifiers *and* the stricter density requirement. They strongly support the elimination of the barrier option. Employers who testified largely focused on the loss of the barrier as an option and generally did not acknowledge that the use of air purifiers would offer them somewhat greater density than was allowed last year. The rule as adopted takes the approach used in the proposal.