



Oregon

Kate Brown, Governor

Department of Consumer and Business Services
Oregon Occupational Safety & Health Division (Oregon OSHA)
350 Winter Street NE, PO Box 14480, Salem, OR 97309-0405
Phone: 503-378-3272, Toll Free: 1-800-922-2689, Fax: 503-947-7461
osha.oregon.gov

June 29, 2022

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[Text of changes](#)

Adjustments to Rules Addressing the COVID-19 Public Health Emergency in All Oregon Workplaces

Virtual Public Hearings Scheduled for:

Date

Time

July 28, 2022

6:00 pm

Please register for Adjustments to Rules Addressing the COVID-19 Public Health Emergency in All Oregon Workplaces (Spanish interpretation available) on July 28, 2022 6:00 PM Pacific at:

<https://www.zoomgov.com/j/1600719927>

July 29, 2022

10:00 am

Please register for Adjustments to Rules Addressing the COVID-19 Public Health Emergency in All Oregon Workplaces on July 29, 2022 10:00 AM Pacific at:

<https://www.zoomgov.com/j/1607614906>

After registering for a webinar, you will receive a confirmation email containing information about joining the webinar. In order to ensure as many people as possible are able to testify, Oregon OSHA reserves the right to restrict testimony to no more than 5 minutes.

Rule Summary:

Due to reduced COVID-19 cases and hospitalizations, Oregon OSHA is proposing to make substantive changes to OAR 437-001-0744: Rule Addressing COVID-19 Workplace Risks (COVID-19 rule) to remove the indoor masking requirements and most of the other provisions no longer appropriate to this stage of the pandemic. These proposed changes have been in effect as temporary amendments since March 18, 2022 and are set to expire September 13, 2022. If these rulemaking adjustments are not made, the rule will revert to the stricter requirements in Administrative Order 14-2021 adopted on December 21, 2021.

These changes were made in response to Governor Brown's announcement of updated health guidance on February 28, 2022 and direction from the Oregon Health Authority (OHA). As of March 11, 2022 the OHA rules requiring masks in indoor public places and schools (OAR [333-019-1025](#) and [333-019-1015](#)) are no longer in effect. Other state requirements, such as those identified by Oregon OSHA as exceptional risk settings and the emergency medical service providers appendix requirements, remain in place. Additionally, OHA's rule for healthcare settings remains in effect.

The proposed amendments remove masking requirements in general workplace settings. However, employers must allow workers to voluntarily use facial coverings and provide facial coverings at no cost to workers. Additionally, employers must facilitate COVID-19 testing for workers if such testing is conducted at the employer's direction by ensuring the employer covers the costs associated with that testing, including employee time and travel.

Other provisions proposed to remain include the following, employers should:

- 1) Continue to optimize the use of ventilation systems to help reduce the risk of COVID-19 transmission;
- 2) Follow OHA, public health, or medical provider recommendations for isolation or quarantine of employees for COVID-19; and
- 3) Provide notice to workers who have had a potential work-related exposure to COVID-19 within 24 hours.

The requirements for exceptional risk workplaces, which are primarily where direct patient care is provided, under section (3) and section (4) of OAR 437-001-0744 generally remain in place in the proposed rule. Indoor masking will still be required in exceptional risk workplaces, which include hospitals, doctor offices, dentist offices, urgent care, dialysis centers, and emergency medical providers. The contact tracing requirements under subsections (3)(l) and (4)(i) are no longer applicable to law enforcement personnel, personal care providers, and laboratories that work with human remains or human tissue from people known or suspected to be infected with COVID-19.

Finally, all of the Industry-Specific requirements in Appendix A are removed from the rule with the exception of Emergency Medical Services: First Responders, Firefighters, Emergency Medical Services and Non-Emergency Medical Transport (formerly A-11); these requirements are updated to reflect masking changes in non-patient care settings.

These proposed adjustments represent a significant removal of COVID-19 requirements, and are a major step forward towards the full repeal of the rule. As stated in the rule, Oregon OSHA will fully repeal the rule when it is no longer necessary to address the COVID-19 pandemic. Because it is not possible to assign a specific time for that decision, Oregon OSHA will consult with the Oregon OSHA Partnership Committee, the Oregon Health Authority, the two Infectious Disease Rulemaking Advisory Committees, and other stakeholders as circumstances change to determine when all or parts of the rule can be appropriately repealed.

Please visit our website osha.oregon.gov/rules to view our proposed rules, or select other rule activity from this page.

When does this happen: Adoption tentatively will be in September 2022.

To get a copy: Our web site – osha.oregon.gov Rules and laws, then,
Proposed rules
Or call 503-947-7449

To comment: Department of Consumer and Business Services/
Oregon OSHA
PO BOX 14480
Salem OR 97309-0405
Email – OSHA.rulemaking@dcbs.oregon.gov
Fax – 503-947-7461

Comment period closes: August 12, 2022

Oregon OSHA contact: Sarah Rew, Salem Central Office @ 503-378-3272, or
email at Sarah.C.REW@dcbs.oregon.gov.

Note: In compliance with the Americans with Disabilities Act (ADA), this publication is available in alternative formats by calling 503-378-3272.