



Department of Consumer & Business Services

Revised August 13, 2021

Workplace Advisory Memo 7.19.21

Interim Guidance in re the Status of Temporary Rule Addressing COVID-19 Workplace Risks (OAR 437-001-0744)

This memo provides the most current guidance regarding the temporary changes made to the rule adopted on May 4, 2021, as well as enforcement guidance regarding provisions of that rule that have currently been determined by Oregon OSHA to reflect merely technical violations of the rule that will not be cited. It incorporates both the temporary rule changes adopted June 30, 2021, and subsequent enforcement policy decisions.

A. The physical distancing requirements previously found in OAR 437-001-0744(3)(a) are no longer in effect outside health care settings.

The June 30 rulemaking revised OAR 437-001-0744(3)(a) to eliminate the general requirement to enforce physical distancing. At the same time, the requirement specific to health care settings was adopted as OAR 437-001-0744(4)(k).

References to physical distancing as part of the risk assessment, infection control plan, and infection control training have not been removed from the rule text but are no longer being enforced outside health care.

B. The mask, face covering, and face shield requirements found in OAR 437-001-0744(3)(b) are once again in effect.

On August 13, 2021, Oregon OSHA adopted revisions to its COVID-19 rule that require employers to comply with the newly adopted Oregon Health Authority rule, found in OAR 333-019-1025, "Masking Requirements for Indoor Spaces."

C. The regular cleaning and sanitation requirements previously found in OAR 437-001-0744(3)(c) are no longer being enforced outside health care settings.

Although the provisions remain in the rule, the general cleaning requirements are now considered "de minimis" violations and therefore not being enforced. However, the provisions related to providing employees with supplies and the reasonable time necessary to clean (OAR 437-001-0744(3)(c)(A)) and to perform hand hygiene (OAR 437-001-0744(3)(c)(B)), as well as the provisions related to cleaning after an individual known or suspected to have COVID-19 has been in the work area (OAR 437-001-0744(3)(c)(C)) continue to be enforced.

D. A revised school appendix, referencing the requirement to enforce the use of masks in schools, is also now in effect.

On August 13, 2021, Oregon OSHA adopted revisions to its COVID-19 rule that restores a brief Appendix A-8, which requires both private and public employers operating K-12 schools to comply with the newly adopted Oregon Health Authority rules on the subject, which are, found in OAR 333-019-1015.