



## **INTEROFFICE MEMORANDUM**

### **Oregon Occupational Safety & Health Division**

March 23, 2020

**TO:** To All OSHA  
**FROM:** Michael Wood, Administrator  
**SUBJECT:** Interim Guidance Related to COVID-19

On March 23, 2020, Governor Kate Brown declared Oregon in a State of Emergency in response to the COVID-19 Pandemic. As the COVID-19 Pandemic continues to evolve, it is important to recognize that, although we are operating, we are not operating as “business as usual.” Even as we make adjustments in how we operate on a day-to-day basis, employers all over the state are dealing with similar issues, and we cannot expect employers to pretend that things will work the way they always have, particularly when it comes to OSHA-related issues. Employers are faced with difficult choices with regard to operating a business amidst COVID-19 restrictions that have been imposed. With that in mind, we need to address how we advise employers on ongoing OSHA requirements in light of the current COVID-19 situation.

First and foremost, employers do need to understand that, even in unusual times like this, employees are still exposed to hazards and it is still the employers’ responsibility to ensure that their employees are adequately protected from those hazards. This expectation does not change.

For initial training requirements, those that the employer would ordinarily do in-house (such as hazard communication or silica), we expect the employer to continue as normal while keeping in mind social distancing and making use of teleconferencing techniques. Genuine feasibility and “greater hazard” issues related to such training must be addressed on a case-by-case basis.

For annual training requirements or operator certifications that become due between March 1 and June 30, we will be accepting the employer’s declaration that such training is not feasible at the present time and therefore we will not cite it.

The same holds true for re-certifications and annual testing (such as forklifts and cranes) that expire between March 1 through June 30 and that require outside expertise or other outside providers. Those that the employer can perform in-house must still be done.

For annual/periodic medical monitoring (such as audiograms or blood lead level testing) and annual respirator fit testing that the employer chooses not to conduct for the safety of workers relating to COVID-19 or because medical services are not able to be conducted due to COVID-19 restrictions, rescheduling this testing after June 30 would be acceptable. Provisions should be made to reschedule this monitoring after June 30. For initial medical monitoring and fit testing, we will address genuine feasibility and “greater hazard” issues related to such training addressed on a case-by-case basis.

In relation to Agriculture Labor Housing, we will provide interim approvals for new or modified housing based on a review of their application materials (supplemented by photographs or other materials that we request during the review) without the onsite visit that we normally require. We will be addressing these issues with the specific consultants involved.

When it comes to safety committees/safety meetings, the rapidly-developing situation can be particularly tricky. We do expect that employers continue to hold safety committee meetings, and employers can look at alternatives to meeting in person (such as teleconferencing, web-based meetings, etc.). Safety meetings can be trickier, since they involve all employees. We still expect the employer to evaluate the utility of electronic meetings in lieu of in-person meetings.

In both cases, if the employer determines (after due diligence evaluations) that alternatives to in-person meetings simply don't work, we will allow for a suspension of those meetings from March 1 through June 30, 2020, as long as all of the following are met:

- The employer has a reliable method for employees to report hazards
- Those reported hazards are evaluated by members of the safety committee, or the employer evaluates the reported hazards when there is no safety committee.
- The employer ensures that the findings of the reported hazard are clearly communicated to all affected employees, including safety committee members.
- When operations return to normal, the safety committee compiles all issues and hazards reported during this time period to evaluate if any further action is necessary. When there is no safety committee, the employer will perform this evaluation.

At this time, we will also not be enforcing the requirement for quarterly inspections under the safety committee/safety meeting requirements from March 1 through June 30, as long as the employer has systems in place for employees to report hazards and a mechanism to evaluate and follow-up on those reports.

Oregon OSHA will reevaluate the timeframe of March 1 through June 30 periodical to identify if any additional adjustments need to be made as the Pandemic evolves.