

Oregon OSHA

COVID-19 WORKPLACE RULE CHANGES – Q&A



Department of Consumer
and Business Services

Does the new Oregon Health Authority facial covering rule (OAR 333-019-1025) mean that Oregon OSHA's rules for COVID-19 are being rescinded?

No, but the Oregon OSHA rule has been modified accordingly to match Oregon's new statewide public health requirements. Other protective provisions, such as infection control, cleaning, notification of exposure, and ventilation, plus individual screening and triage in health care facilities remain in place.

Is there an official statement from Oregon OSHA regarding these changes?

Yes, you can find an official statement from Oregon OSHA on our website at osha.oregon.gov/Documents/COVID-19-memo-re-face-covering-requirements.pdf.

Which types of businesses need to enforce face coverings and physical distancing?

At this time, only facial covering requirements must be enforced in all "indoor spaces," as outlined in OSHA's rule OAR 333-019-1025.

Establishments engaged in healthcare, public transit, or airports must enforce physical distancing in addition to facial covering requirements.

Who is considered a "health care employer" for purposes of Oregon OSHA's COVID-19 rule?

Health care employers are those that operate workplaces where employees perform one or any combination of the following job duties:

- A) Direct patient care;
- B) Environmental decontamination services in a healthcare setting;
- C) Aerosol-generating healthcare or postmortem procedures (AGPs);
- D) Direct client service in residential care or assisted living facilities;
- E) Emergency first responder activities;
- F) Personal care activities that involve very close contact with an individual, such as toileting or bathing; or
- G) Handling, packaging, cleaning, processing, or transporting human remains or human tissue specimens or laboratory cultures collected from an individual known or suspected to be infected with COVID-19.

For more information on health care employers and workplaces at exceptional risk, you can go to osha.oregon.gov/OSHArules/div1/437-001-0744.pdf.

Do workers in areas of the healthcare establishment where patients DO NOT GO or where those exceptional risk job duties listed above are NOT PERFORMED, need to adhere to the same physical distancing requirements as those healthcare workers involved in direct patient care, AGPs, or other exceptional risk job duties?

No. So long as the involved employee is not engaged in an exceptional risk job duty and does not have direct or indirect exposure to patients, then those workers do not need to adhere to the physical distancing requirements.

How do the new federal OSHA rules apply to healthcare providers in Oregon?

Oregon OSHA's rule still applies and takes precedence over the federal OSHA standard for those employers that are already subject to Oregon OSHA's jurisdiction. An employer already covered by Oregon OSHA's rule does NOT need to also follow the federal OSHA rule.

Can COVID-19 vaccine verification be used to reduce physical distancing or face covering use in health care establishments, public transit, airports, or other establishments?

No. Employers cannot use vaccination status to eliminate the need to enforce otherwise applicable facial covering or physical distancing requirements in workplaces, including K-12 schools, healthcare settings, public transit, and airports.

Are facial coverings required in Agriculture Labor Housing or other Employer Provided Housing?

No. On June 30, 2021, OAR 437-004-1115 – Oregon OSHA's rules for COVID-19 Workplace Requirements for Employer-Provided Labor Housing was amended to state, "Oregon OSHA no longer requires employers to ensure that individuals in the labor housing wear a mask, face covering, or face shield as source control." The language requiring all individuals in labor housing must use a mask, face covering, or face shield in accordance with the Oregon Health Authority's Statewide Mask, Face Covering, Face Shield Guidance was also removed. At this time, Oregon OSHA 437-001-0744 rule which references OHA's facial covering rule (OAR 333-019-1015) does not apply to employer-provided housing covered under 437-004-1120.

