

Workplace Advisory Memo 3.29.23

Oregon OSHA, in alignment with updated public health guidance from the Oregon Health Authority (OHA), will rescind its COVID-19 Workplace Requirements for All Workplaces (OAR 437-001-0744) and Requirements for Employer-Provided Labor Housing (OAR 437-004-1115) effective April 3, 2023. As required, Oregon OSHA will conduct [rulemaking](#) in the coming days to achieve these modifications.

During discussions with Oregon OSHA's rulemaking advisory committees, OHA, and other stakeholders, there was a desire that workers still be allowed to wear facial coverings if they choose. In response to this stakeholder request, Oregon OSHA will adopt a rule under the work clothing provisions for Division 2, 3, and 4 allowing workers to wear a facial covering, unless doing so creates – or otherwise exposes the employee to – a hazard. Employers must supply these items at no cost to employees when the employer requires their use. These additions under the work clothing sections (OAR 437-002-0134, 437-003-0134, and 437-004-1030), would not be unique to COVID-19 and would apply to other reasons an employer or employee would choose to use facial coverings.

The provisions that require employers to cover the costs associated with COVID-19, if testing is conducted at the employer's direction, will no longer be in place as an Oregon OSHA requirement but would fall under the existing protections provided through Bureau of Labor and Industries rules: [OAR 839-020-0040](#) and [OAR 839-006-0242](#).

Oregon OSHA will also continue meeting, at least monthly, with members of its Agriculture Labor Housing Advisory Committee seeking comprehensive, permanent improvements to Oregon OSHA's employer-provided labor housing rules. The committee's discussions will include consideration of infectious disease prevention, control, and response as part of a possible rule proposal.

Additional information on the Agriculture Labor Housing Rulemaking Advisory Committee is available here:

<https://osha.oregon.gov/rules/advisory/ag-emp/Pages/default.aspx>

Oregon OSHA continues to recommend following OHA and Center for Disease Control (CDC) COVID-19 recommendations at:

<https://www.oregon.gov/oha/covid19/Pages/index.aspx>

<https://www.cdc.gov/coronavirus/2019-nCoV/index.html>