

APPEL Lisa * DCBS

From: ROBERTSON Gary L * DCBS
Sent: Tuesday, March 23, 2021 8:07 AM
To: APPEL Lisa * DCBS
Cc: MCLAUGHLIN Dave * DCBS; STAPLETON Renee M * DCBS
Subject: FW: Feedback for ALH Rule
Attachments: NEWALH QUESTIONS.docx

I received the below email from Holt. Attached is a document from an anonymous person with questions and comments regarding the EPLH rule. Lisa can you add this to the comments thanks.

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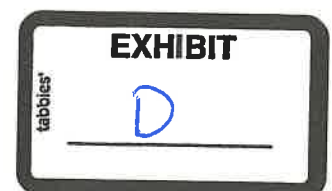
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From: ANDRON Holt * DCBS
Sent: Friday, March 19, 2021 11:16 AM
To: ROBERTSON Gary L * DCBS <Gary.L.Robertson@oregon.gov>
Subject: Feedback for ALH Rule

Hey Gary,

Got some feedback from employers and staff about the ALH rule- all who contributed to this document would prefer to remain anonymous, so I'm passing this along as such.

Thank you!
Holt



Statistically all housing had a low covid case count in 2020. What cases that occurred have not been contracted through housing, it has been contracted through off work activities such as parties, family get togethers. This is a community spread virus, how are these rules going to contain that?

Housing is not a workplace, it is where people live after work. To expect those occupants to follow similar guidelines such as they have on the job and wear face coverings at their home away from home is not a reality and won't occur.

Occupants - How are we/employers to prove people are members of the same "household", as defined in the rule? People may live together here in the US but they don't live together in their hometown and have different mailing addresses etc.

Ventilation - It says the EMPLOYER must open windows & doors for ventilation

- ✓ Are employers supposed to enter the employees private living space to open windows/doors w/o consideration for what the employee may wish? Occupants do not open window or like their windows open.
- ✓ In addition, if the employer is responsible for going to each facility, they are also going to have to go to each facility to close/open when orchard spraying is done. Also, is this only when people are home? If not, that is a major opportunity for theft.
- ✓ How are employers supposed to enforce fan use? Also, what about those employers that A/C units? You don't want all the doors & windows open when an A/C is in use, a tremendous expense for the employer.
- ✓ How does OSHA intend on verifying adequacy of air purifiers?
- ✓ How does OSHA intend on verifying adequacy of antiquated electrical systems?
- ✓ How does OSHA intend on verifying adequacy of space layout? You have bedrooms and you have living areas that have occupants sleeping in them?

- ✓ Purifiers are in very short demand throughout the world, and not easily available.
- ✓ Cost of air purifiers and HEPA filters is cost prohibitive when one trailer or house may have to have 7 plus air purifying units per housing unit.

Masks - The section about double masking is confusing because it uses both the word OCCUPANT & EMPLOYEE in the same sentence. Are employers expected to provide enough masks for all OCCUPANTS (employees, children, grandma etc.) or EMPLOYEES?

- ✓ What is to be gained by changing the name of the Social Distancing Officer to "Physical Distancing Monitor"? Now, employers will have to go back and update policies with the new title Physical Distancing Monitor.
- ✓ Looking at purifiers online and all of them are designed for specific amounts of square footage (with standard ceiling heights). How do they determine the correct size of purifier to achieve 4 ACH (considering higher ceilings etc).
- ✓ What is OSHA's exact definition of a "room"? Will a privacy wall (not to ceiling with an open doorway (no door) trigger a separate room?
- ✓ When it states to measure from the center of a SINGLE occupant bed (for the six feet) – are we measuring from the center of one bed to the frame of the next? Or to the center of the next? This makes a big difference!
- ✓ Also, it clearly states SINGLE – so what about a double bed? Do you measure from the center of the double, or where the center of a twin would be?
- ✓ Why does the square footage require change between "household" and "non-household" members? (For both options). In "non-household" there will be fewer people in the cabin anyway because they can't use the top bunk, so why change it? Is it because OSHA is now saying those bunks are acting like twin beds? It isn't really an issue because if they have a cabin with two double bunks (minimum 160 sqft) and OSHA says they can't use the top, they still have plenty of square footage for the two people, using 40 or 50 and probably even 100 (depending on the unit/cabin). Seems odd.

- ✓ There is no reference to barriers/barricades in this entire section. Are these going away? Employers spent a whole of resources on this effort.
- ✓ Tables & chairs in dining areas – is this like a cafeteria? Because most facilities have per cabin/unit seating. Do they need to make them eat six feet apart in their cabins or at their personal picnic table? Also, six feet is a LONG way when you're talking tables and chairs That's like one person per table (maybe two).

Cleaning & Sanitation - The actual cleaning/sanitation stuff was fine. Back to normal, basically.

Exhaust fans – it says they are to be left on continuously. Does this mean while people are actually in the building? Or, do employers have to leave them on all day? Most are set to timers with motion sensors or the light switch. If no one is in the space, why does the fan need to be on? This will cause a lot of wear and tear on systems not designed to be on continuously.

This section says, and I quote: "Operators should avoid entering occupant's rooms or living quarters unless it is necessary." Doesn't this conflict with requiring the employer to open door/windows?

COVID-19 Response Plan

- ✓ Do employers need one in writing specifically for this? Or does following the rule suffice? And, what about those rules in Division 1 for the rest of the farm?
- ✓ There is a section that states that only one member of the household should care for the isolated person. It's not clear if this was just for SUSPECT cases or for both SUSPECT & CONFIRMED.

How is OSHA field staff going to determine if agriculture employers are utilizing an acceptable air purifier, adequate air flow, measure air flow etc and with how to properly measure bed spacing.

