

Potential Oregon OSHA Rulemaking Timeline
COVID-19/Infectious Diseases
Revised October 5, 2020

The Timeline has been adjusted to allow development of the plan for multiple appendices that provide industry- or activity-specific guidance. The changes are highlighted.

The COVID-19 emergency has highlighted the risks that any infectious disease, particularly one that is airborne, can create for a wide variety of workplaces. As a result of both the immediate and long-term risks highlighted by the current public and occupational health crisis, Oregon OSHA is responding to the request that the state adopt an enforceable workplace health rule on an emergency basis this summer, to be replaced by a permanent rule. This high-level timeline treats these as two essentially different projects, in both nature and scope, recognizing that an ongoing infectious disease rule would not be as closely tailored to the current crisis as would a temporary rule. It also assumes health care (and related activities) and the general workplace would require distinct (although complementary and interrelated) sets of requirements.

In both cases, Oregon OSHA plans to rely upon as much collaboration and consultation with experts and with stakeholders as the timeframes involved and other circumstances allow. In the case of the temporary rule(s) this has been done primarily through targeted virtual forums and the circulation of a draft prior to a decision on adoption, as well as discussions with Oregon OSHA's standing Partnership Committee. In the case of the permanent rule(s), Oregon OSHA will be empaneling two rulemaking advisory committees in addition to employing targeted virtual forums and circulation of preproposal drafts.

June 26: Oregon OSHA announced that we have begun work (to be completed in consultation with OHA/Public Health and other technical advisors, as well as affected stakeholders) to draft and adopt a pair of temporary rules addressing the COVID-19 emergency. The target effective date is September 1, with the rule to remain in effect through February 2021. Oregon OSHA will also begin work on permanent rules addressing airborne infectious disease on an ongoing basis

June 26: Began recruiting candidates for formal Rulemaking Advisory Committee members.

Week of June 29: Appointed initial members of Technical Advisory Committee: Dr. Paul Cieslak, Public Health Physician, OHA; Dr. Fred Berman, Toxicologist, formerly with OHSU's Institute of Occupational Health Sciences; and Dr. David Michaels, Epidemiologist and Professor at George Washington University and formerly Assistant Secretary of USDOL for Federal OSHA). Additional OHA representatives participated in several discussions.

Week of July 13: Began conversations with Technical Advisory Committee.

Week of July 13: Began External Stakeholder meetings (series of industry-focused public "workshops" to discuss elements of *temporary* rule, as well as specific targeted discussions within health care and closely related industries).

August 17: Circulated draft of *temporary* rule addressing COVID-19 emergency in the general workplace, as well as specific provisions addressing health care and closely related industries. Comments were ultimately accepted thru September 7 (not formal public comment, but similar to such a process).

October 2020: Empanel "Airborne Infectious Disease in Health Care" Rulemaking Advisory Committee (Health Care RAC) to work with Oregon OSHA on *permanent* rule language addressing health care and closely related activities.

October 2020: Empanel “Airborne Infectious Disease in the General Workplace” Rulemaking Advisory Committee (Workplace RAC) to work with Oregon OSHA on *permanent* rule language addressing the general workplace.

September 9 and 11: Discussion of *temporary* rule language and *permanent* rule process with Oregon OSHA Partnership Committee (*temporary* rule language to be finalized, but not yet adopted, as quickly as possible following the meeting and discussion).

September 21: Publication of near final language of *temporary* rule, with a planned adoption and effective date not later than October 1 – later extended to October 21.

September 28 and 29: Discussion of temporary rule language with extended Oregon OSHA Partnership Committee.

October 10: Publication of revised draft and complete set of appendices for final review.

October 15 and 16: Discussion of temporary rule language with extended Oregon OSHA Partnership Committee.

No later than October 21: Adoption of *temporary* rule with immediate effect (to remain in place 180 days); selected provisions will have delayed effective dates.

Months of October and November: Both Health Care RAC and Workplace RAC meet as necessary to provide feedback and advice regarding *permanent* rule.

November 21: Produce pre-proposal draft of *permanent* Airborne Infectious Disease in the Workplace Rule for stakeholder discussion (in meetings with the RACs and in response to broader circulation).

Week of December 15: File *permanent* rule as formal proposals, with comment period (including public hearings) extending through **March 15, 2021**.

March 15: Public comment period ends.

March 15-April 12: Public comments reviewed by Oregon OSHA and final decision documents developed.

Week of April 12: Decision made whether to adopt, modify or withdraw one or both rules, with the effective date of any rule adopted to be April 19 (although any new requirements not included in the temporary rules are expected to take effect at a later date (likely between 60 and 120 days later)).