

## COVID-19 Rulemaking Advisory Committee Meeting

Wednesday, March 15, 2023

Please send written comments to: [OSHA.rulemaking@dcbs.oregon.gov](mailto:OSHA.rulemaking@dcbs.oregon.gov)

**Attendance** (Oregon OSHA): Greig Lowell, Sarah Rew, Matt Kaiser, Renee Stapleton, Julie Love, Linda Pressnell, Alta Schafer, Dave McLaughlin, Lisa Appel,

**Attendees:** Barb Hansen, Jason Jantzi, Joe Angyus, Jennifer King, Tony Howard, Tim Mahern-Macias, Margot Williams, S Russell, Mark Bonanno, Lex Zhang, Colin Howard, Lauren Kuenzi, Kim S, Sabrina Riggs, Andrea Seykora, Eugenia Liu, Jenaya LeMay, Steven Shea, Jenny Dressler, Winifred Skinner, Enrique Gastelum, Gretchen, Jen Lewis-Goff, Matt Borman, Pam Cortez, Aaron Watts, Candy Carnes, Mike Omeg, Mary Post, Christa North, Amanda Dalton, Sheast, 15419673950, 19712710017, 15035107020, Ross's Otter

**Welcome:** Greig Lowell

**Background:** We have convened this meeting because Oregon HA is lifting masking requirements on April 3, 2023

**Renee Stapleton:** Thank you all for attending. Our intent is to move away from COVID-19 mandates. We want to hear what your thoughts are on moving away from the state mandate, what the time line looks like, and how to still protect workers.

- **Jason Jantzi:** I surveyed our committee that we put together in 2020, made up of local government, fire departments, etc. and they are all unanimous on wanting the COVID-19 rules repealed on the OHA 4/3/23 date.
- **Sabrina Riggs:** a repeal of 4/3/23 is helpful for our members.
- **Andrea Seykora:** representing healthcare, agreed, align with OHA and repeal on 4/3/23.
- **Jenny Dressler:** farm Labor housing: eliminating the rules by 4/3/23.
- **Barb Hansen:** Oregon Hospice: agree there is confusion and OSHA should repeal on 4/3/23. Many may elect to keep wearing the mask, it should be left up to the individual and facility to decide.

**Renee Stapleton:** Oregon employers will still be allowed to make their own decision and Oregon OSHA is supportive of those employers.

- **Eugenia Liu:** Oregon Health Care Association: I echo everyone's comments repealing the rule on 4/3/23. We already have infection control. Assisted living and residential care out of Healthcare facilities.
- **Tony Howard:** in favor of repealing the rule on 4/3/23

**Greig Lowell:** temporary rule making at first and that will give us time to make a permanent rule change. OHA rule: 333019-1011 (2) remain in effect unless the .....

They have an on/off switch built in theirs, and we do not have that.

Federal OSHA is currently working on a COVID rulemaking and we will have to adopt something that is at least as effective as theirs. We do not have a date or any information on what they will be adopting.

Renee Stapleton shared the Workplace Advisory Memo from 3.14.2022. "Allows worker to voluntarily use facial coverings and provide facial coverings at no cost to the workers" allowing and providing are the 2 components to this.

- **Jenny Dressler:** strongly urge removing liability from employers providing respirators or facial coverings. Fine will allow voluntary use, but not employer provided if not in an emergency.
- **Jason Jantzi:** agree, voluntary use is fine, but not employer provided. On the testing, if employer is requiring the testing they should pay, but not if employee wants it.
- **Jennifer King:** echoing Jason and Jenny. Remove the employer responsibility to supply.
- **Enrique Gastelum:** WAFLA supports removing the requirement to have to provide the masks or certain tools when not in an emergency situation.
- **Tim:** When we talk about masks, are we talking the fabric ones, or the N95? If N95 how does this fit within the respirator rule?
- **Tony Howard:** agrees that voluntary use is ok, but not employer provided.
- **Jason Jantzi:** <https://osha.oregon.gov?OSHARules/div2/div2I.pdf>

**Renee Stapleton:** Regarding "exceptional risk workplaces" Is there anything that we need to think about for special consideration? Certain provisions still in place: medical removal protection benefits, quarantine, etc.

- **Jason Jantzi:** as things are starting to down grade. There should still be protections available through other rules.
- **Eugenia Liu:** there are protections in place, infection control, training. Medical removal benefits should be there.
- **Sabrina:** echo these thoughts. Removing the COVID-19 specific rules.
- **Andrea** agrees too.

**Renee:** is there anyone who wants to talk about things we haven't discussed yet, more on the guidance side?

Emergency medical services: in line with how exceptional risk is.

- **Jason:** there may be some could guidance that could be left for first responders, but only as guidance. And we would be happy to help draft that.
- **Sabrina** agrees.
- **Steven Shae:** wondering is there now a change in situation where patients feel vulnerable and can they require the employee to wear a facial covering?

**Renee:** we would not be able to require that if a patient is requiring it. It would be up to the employers to have that in their policy if they chose to.

Shared memo for labor housing:

Items 1-4 are musts. There were air purifiers that were brought in by other agencies, employers didn't provide, but if they had them they could use them.

**Sarah Rew:** in depth, isolation of suspected and infected person. the employer would need to provide food and water, and check in on them.

**Renee Stapleton:** No comments from those attending today. We will address this issue in our ALH rulemaking group too.

We are thankful for the continued support from all of you over the years on this issue. We have definitely saved lives. We do need to talk about infectious disease on a large scale in the future. You have all been incredibly patient and given your time and we really look at this as a partnership to get through this and come together to support the community.

- **Barbara Hansen:** thank you for this opportunity to share stakeholder comments
- **Gretchen:** it would be greatly appreciated if you could have communication by 4/3. It leaves a lot of hanging if we have a mask repeal for gen pop but still have health care workers in masks. It will be very tough on our healthcare workers.

Meeting adjourned 9:59am