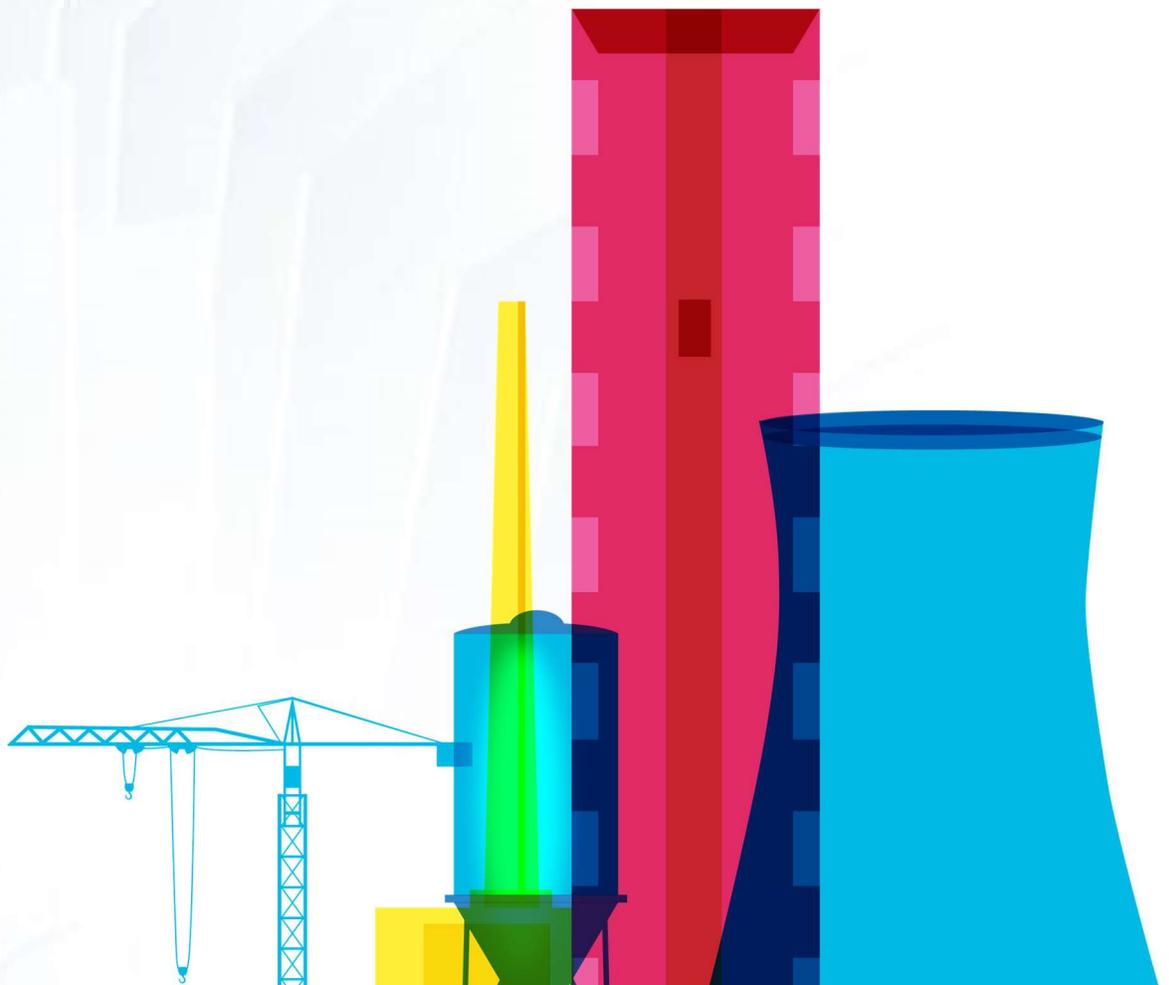Red·on·line

Frequently Asked Questions

Employer Guidance for Managing COVID-19

Employer Guidance for Managing COVID-19

Frequently Asked Questions

This guidance was prepared by Red-on-line's legal and EHS experts. It addresses critical questions facing US employers as they tackle COVID-19 and the novel coronavirus in the workplace. We are pleased to share publications from OSHA, CDC, and EPA, and encourage you to take advantage of the Red-on-line resources and expertise listed at the end of this document.

What OSHA standards do I need to comply with?

There are no specific OSHA standards for COVID-19. However, many existing OSHA standards do apply, including:

- Recordkeeping and reporting
- Personal Protective Equipment (PPE)
- Hazard communication
- Sanitation
- Occupational exposure to hazardous chemicals in laboratories

OSHA also has reminded employers that the General Duty clause requires employers to provide a workplace "free from recognized hazards."

What does OSHA recommend for preparing workplaces?

OSHA released its "Guidance on Preparing Workplaces for COVID-19," which helps all employers and especially employers with workers at higher risk. Note that this guidance is advisory and does not create legal obligations.

OSHA recommends that all employers develop an infectious disease preparedness and response plan. After creating a plan, employers should continually look for guidance from federal, state, local, tribal, and/or territorial health agencies for information specific to the current infectious disease (COVID-19 in this case).

All employers should implement basic infection prevention measures. In addition to increasing workplace hygiene, employers should determine whether employees can work remotely or in staggered shifts. For employees required to work onsite, employers should attempt to increase physical distance between workers.

Employers should develop policies and procedures to identify and isolate sick people, if appropriate. Employers should encourage employees to self-monitor and report when they are experiencing symptoms of COVID-19.

Resource: [OSHA Guidance on Preparing Workplaces for COVID-19](#)

What precautions should I take to protect employees?

OSHA's guidance categorizes employee exposure risks into four categories, with increasing protections depending on their risk category. For those most at risk, primarily those working with and handling known or suspected patients and bodies, OSHA recommends eye and face PPE, gloves, and respiratory protection.

Resource: [OSHA Guidance on Preparing Workplaces for COVID-19](#)

Do I need to record an employee's COVID-19 case?

Yes. COVID-19 can be a recordable illness for businesses already required to maintain injury and illness records if a worker is infected as a result of performing their work-related duties. To be recordable, OSHA requires that the case meet all the following requirements:

1. The employee's illness is confirmed, not presumptive.

2. The case is work-related, as defined in 29 CFR 1904.5.

3. The case involves one or more of the general recording criteria in 29 CFR 1904.7 (death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, loss of consciousness, or a significant injury or illness). With the current state of COVID-19, it is likely that confirmed cases will require medical treatment of days away from work.

OSHA views COVID-19 as a contagious disease and considers an infection at work to be work-related, and ineligible for the recording exemption for the common cold or flu.

Resource: [OSHA COVID-19 Standards](#)

Do I need to report an employee's COVID-19 case?

An employee who contracts COVID-19 in the workplace is not reportable. However, OSHA does require reporting for employees who die or are hospitalized as an inpatient. Even employers who are exempt from recording injuries and illnesses are subject to OSHA's reporting requirements.

What if we do not have sufficient N95 filtering facepieces for healthcare workers?

In an enforcement memorandum dated March 14, 2020, OSHA provided temporary enforcement guidance for its compliance officers. Due to the supply shortages of N95 filtering facepieces for healthcare workers, OSHA is amending its enforcement of its respiratory protection standard for healthcare workers during the COVID-19 outbreak.

OSHA still requires appropriate respiratory protection for healthcare workers providing direct care of patients with known or suspected COVID-19. Healthcare employers may provide respirators with equal or higher protection, such as N99 or N100 filtering facepieces, reusable elastomeric respirators with appropriate filters or cartridges, or powered air purifying respirators (PAPR).

Another recommendation is for employers to change from a destructive fit testing method (quantitative) to a non-destructive method (qualitative) so the mask can be reused.

OSHA is directing its field offices to use enforcement discretion regarding the annual fit testing requirement if employers:

- Make a good-faith effort to comply with the respiratory protection standard;

- Use only NIOSH-certified respirators;

- Implement CDC and OSHA strategies for optimizing the supply of N95 filtering facepiece respirators and prioritizing their use;

- Perform initial fit tests for each worker with the same model, style, and size respirator the worker will be required to wear;

- Inform workers that the employer is suspending the annual fit testing of N95 filtering facepiece respirators to preserve and prioritize the supply of respirators;

- Explain to workers the importance of performing a user seal check at each donning to make sure they are getting an adequate seal;

- Conduct a fit test if they observe visual changes in the employee's condition that could affect respirator fit and explain to workers that if their face shape has changed since the last fit test, they may no longer be getting a good seal; and

- Remind workers that they should inform their supervisor or respirator program administrator if the integrity and/or fit of their N95 filtering facepiece respirator is compromised.

Resource: Temporary Enforcement Guidance – Healthcare Respiratory Protection Annual Fit-Testing for N95 Filtering Facepieces During the COVID-19 Outbreak, March 14, 2020

Does OSHA's blood-borne pathogen standard apply to COVID-19?

No, OSHA's blood-borne pathogen standard does not apply to COVID-19. The blood-borne standard applies to occupational exposure to blood or "other potentially infectious materials" (OPIM). The definition of OPIM does not typically include respiratory secretions that may transmit COVID-19. However, OSHA believes that its blood-borne pathogen standard, 29 CFR 1910.1030 may provide some guidance on protecting workers against COVID-19.

What disinfectants should I use?

Since COVID-19 is a novel coronavirus, EPA is expediting reviews of disinfectant products under its Emerging Viral Pathogen Program under the Federal Insecticide and Rodenticide Act (FIFRA). EPA recently released a list of list disinfectants that can claim to be effective against COVID-19, as they have been tested and proven effective against either a harder-to-kill virus or against another human coronavirus similar to COVID-19.

EPA continues to update the list of disinfectants on its website. Note that EPA may only provide lists of disinfectants for use on humans, as is the purview of the Food and Drug Administration.

Resource: EPA's List N: Disinfectants for Use against SARS-Cov-2

How should I disinfect my workplace?

CDC has interim recommendations on how to disinfect community facilities known or suspected to have the virus causing COVID-19. These guidelines pertain to community non-healthcare facilities (schools, offices, daycare centers, businesses, community centers, etc.) that do not house people overnight.

To minimize the potential for exposure in these locations, CDC recommends closing off the areas to be cleaned and disinfected and waiting as long as possible before starting to clean. Open outside doors and windows to increase air circulation. If possible, CDC recommends waiting 24 hours to begin cleaning and disinfecting. The cleaning staff should clean and disinfect all areas used by ill persons, especially focusing on frequently touched surfaces.

If surfaces are dirty, they should be cleaned using detergent or soap prior to disinfection. Once cleaned, staff should use diluted household bleach solutions, alcohol solutions with at least 70% alcohol, or any common EPA-registered household disinfectant. Note that EPA is constantly updating its list of disinfectants that can claim to be effective by proving their efficacy against harder-to-kill viruses or similar coronaviruses.

For soft or porous surfaces such as carpets or rugs, first remove visible contamination and clean with appropriate cleaners for those surfaces. If the items can be laundered, follow the manufacturer's instructions and use the warmest possible water setting. Dry items completely. If the soft surfaces cannot be laundered, then use EPA-approved emerging pathogens disinfectants that are suitable for porous surfaces.

When laundering any items, do not shake the fabric. Shaking will increase the potential for the virus to become dispersed in the air. Wash any items according to their instructions, using the warmest possible water-setting and dry completely. CDC believes dirty laundry that has been in contact with an ill person can be washed with other clothing. Clean and disinfect hampers or other carts that have been used to transport laundry.

Cleaning staff should always wear disposable gloves and gowns for all tasks, including handling trash. Cleaning staff should wash hands often, including immediately after removing gloves and after contact with an ill person. Ensure your cleaning staff are aware of the signs and symptoms of COVID-19 and what to do if they feel sick or develop COVID-19 symptoms.

Resource: [CDC, Environmental Cleaning and Disinfection Recommendations: Interim Recommendations for US Community Facilities with Suspected/Confirmed Coronavirus Disease 2019](#)

Red-on-line is here to help

The demands of global EHS compliance are unchanged despite the challenges presented by the novel coronavirus and COVID-19. Be assured that Red-on-line is well-positioned to support you and your teams during these difficult times.

Our legal and EHS experts continue to monitor, analyze, and publish timely regulatory content with an added focus on how the global pandemic impacts your organization. And our site-specific legal registers help you stay compliant by focusing exclusively on the regulations applicable to each location.

Please check out our resources below and let us know how we can help!

- Call us at 440-668-9801

- Email us at NorthAmericaInfo@Red-on-line.com

- Visit our [US blog](#)

- Join our LinkedIn discussion group: [COVID-19 HSE Red-on-line Experts Forum](#)

- [Learn more](#) about our services and subscribe to our timely and informative newsletter