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Oregon OSHA proposes requirements to address COVID-19 risks in employer-provided housing

March 02, 2021

Division accepting public comments through April 16

Salem, OR—Oregon OSHA is proposing to extend protective measures against COVID-19 for workers who rely on housing provided by employers, including as part of farming operations. The risk-reducing measures – which include new options and updates – cover everything from physical distancing and ventilation to face coverings and sanitation.

The proposed permanent rule will receive three virtual public hearings later this month and a comment period through April 16. Oregon OSHA expects to repeal the rule once it is no longer needed to address the coronavirus pandemic in the context of labor housing.

“While there is good news on the horizon, the public health challenges brought on by

the COVID-19 pandemic remains a significant concern in Oregon. In the labor housing environment, addressing an airborne disease poses unique challenges," said Michael Wood, administrator for Oregon OSHA. "We believe this proposed rule addresses those challenges by protecting vulnerable workers – especially those who spend both their work and off-work hours at the employer's location. But it also strikes a balance based on the current economic realities."

The proposed rule would replace the current labor-housing requirements established through Gov. Kate Brown's executive order, issued in October 2020. That order lasts through April 30, 2021. It effectively maintained COVID-19 safety measures that Oregon OSHA adopted on a temporary basis in April 2020, which otherwise expired Oct. 24, 2020.

While largely similar to the previous requirements, the proposed rule includes new options and updates. The changes reflect experiences under the previous safety measures. They also speak to the evolving nature of COVID-19 risks.

The proposed requirements include:

Ventilation
• Ensuring that existing ventilation systems are optimized according to the requirements of Oregon OSHA's current temporary rule addressing COVID-19 in all workplaces: https://osha.oregon.gov/OSHARules/div1/437-001-074... (https://osha.oregon.gov/OSHARules/div1/437-001-0744.pdf) The purchase or installation of new ventilation systems is not required.
• Increasing air circulation and ventilation by opening windows and doors in labor housing when doing so is safe for occupants.

Masks, face coverings, and face shields
• Ensuring all people entering the housing – including all common areas – follow the Oregon Health Authority's statewide guidance: https://sharedsystems.dhsoha.state.or.us/DHSForms/... (https://sharedsystems.dhsoha.state.or.us/DHSForms/Served/le2288K.pdf) regarding masks, face coverings, and face shields. Exceptions include when people are eating or drinking; sleeping in their bed or cot; staying in housing occupied solely by

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• Members of the same family or household; and children younger than 5 years old.
• Ensuring all occupants of labor housing have access to adequate face coverings – and enough face coverings to enable employees to "double mask" – at no cost to the occupants.

Physical distancing
• Designing housing operations to allow six feet of physical distancing whenever possible.
• Appointing one or more distancing monitors to ensure safety measures are carried out.
• Allowing bunkbeds only for members of the same pre-existing household and relaxing certain density and distancing requirements if the only affected occupants are part of the same household. Previous requirements included similar provisions, but they were based on whether the people were related.
• Providing two options for sleeping areas. One allows somewhat greater density than previous requirements, while the other requires still lower density – depending on whether employers choose to use air purifiers.

Cleaning and sanitation
• Cleaning or sanitizing regularly all common areas, shared equipment, and high-touch surfaces.
• Reducing the frequency of cleanings of common-use areas (such as chemical or plumbed toilets) from two or three times daily – required under previous measures – to once daily.
• Ensuring cleaning materials are provided at no cost to occupants to use in their individual living areas.
• Returning to the requirement to provide one toilet for every 15 occupants. Previous measures mandated one toilet for every 10 occupants.

Similar to previous requirements, the proposed rule also spells out steps to take when there are suspected or confirmed COVID-19 cases.

The rule's development included input from advisory committees. Also, the division received comments on a petition that was filed in response to the temporary requirements extended by the governor's executive order.

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Oregon OSHA encourages a careful reading of the proposed rule regarding COVID-19 and labor housing. Virtual public hearings will be held at 5 p.m. Thursday, March 25; 10 a.m. Friday, March 26; and 5 p.m. Tuesday, March 30. Details on how to sign up for the hearings – as well as other options for commenting on the proposed rule – are now available:https://osha.oregon.gov/OSHARules/proposed/2021/ltr-proposed-laborhousing-covid19.pdf The comment period will close Friday, April 16.

Meanwhile, the division continues to take public comments on its proposed permanent rule: https://osha.oregon.gov/OSHARules/proposed/2021/lt... (https://osha.oregon.gov/OSHARules/proposed/2021/ltr-proposed-covid19-public-health-emergency.pdf) extending protections against COVID-19 in all workplaces. Learn more about the division's workplace guidance and resources related to COVID-19: https://osha.oregon.gov/Pages/re/covid-19.aspx (https://osha.oregon.gov/Pages/re/covid-19.aspx)

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Oregon OSHA, a division of the Department of Consumer and Business Services, enforces the state's workplace safety and health rules and works to improve workplace safety and health for all Oregon workers. For more information, go to osha.oregon.gov

The Department of Consumer and Business Services is Oregon's largest business regulatory and consumer protection agency. For more information, go to www.oregon.gov/dcbs/ (http://www.oregon.gov/dcbs/)

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