

October 23, 2020

# OSHA Update

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**Occupational Safety and Health Administration- Region 2**

# DISCLAIMER

This information has been developed by an OSHA Compliance Assistance Specialist and is intended to assist employers, workers, and others improve workplace health and safety. While we attempt to thoroughly address specific topics, it is not possible to include discussion of everything necessary to ensure a healthy and safe working environment in this presentation. This information is a tool for addressing workplace hazards, and is not an exhaustive statement of an employer's legal obligations, which are defined by statute, regulations, and standards.

This document does not have the force and effect of law and is not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies. It does not create (or diminish) legal obligations under the Occupational Safety and Health Act. Finally, OSHA may modify rules and related interpretations in light of new technology, information, or circumstances; to keep apprised of such developments, or to review information on a wide range of occupational safety and health topics, you can visit OSHA's website at [www.osha.gov](http://www.osha.gov).

- Occupational Safety and Health Act (OSH Act)
- Signed  
**December 29, 1970**
- OSHA opened its doors  
**April 28, 1971**



# Coronavirus

Browser address bar: <https://www.osha.gov/SLTC/covid-19/>

Page Title: Safety and Health Topics | ...

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United States DEPARTMENT OF LABOR

Occupational Safety and Health Administration

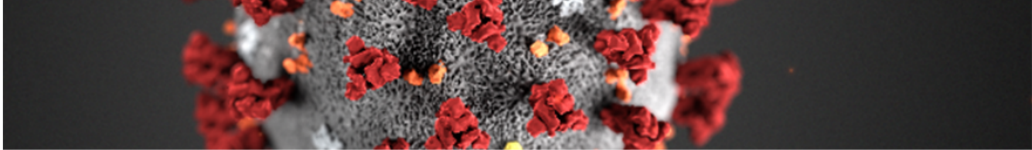
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OSHA STANDARDS TOPICS HELP AND RESOURCES


Search: SEARCH OSHA

Safety and Health Topics / COVID-19

## COVID-19




### Overview



This webpage provides information for workers and employers about the evolving coronavirus pandemic. The information includes links to interim guidance and other resources for preventing exposures to, and

[https://www.osha.gov/SLTC/covid-19/#covid19\\_overview](https://www.osha.gov/SLTC/covid-19/#covid19_overview)

### News and Updates



Find the latest OSHA resources related to COVID-19, including:

- COVID-19 Guidance for In-Home Repair Services (Spanish), (October 7, 2020).
- COVID-19 Guidance for Restaurants Resuming

### Highlights

- Guidance on:
  - Returning to Work (Spanish)
  - Preparing Workplaces for COVID-19 (Spanish)
  - Workers in Shared Housing
  - In-Home Repair Services (Spanish)
  - Restaurants Resuming Dine-In Service (Spanish)
  - The Use of Cloth Face Coverings while Working in Hot and Humid Conditions (Indoors) (Outdoors), (September 2020).
- Guidance for specific industries
- Employee Health and Food Safety Checklist for Human and Animal Food Operations During the COVID-19 Pandemic
- Worker Exposure Risk to COVID-19 (Spanish)

# Impact on workers

- OSHA is closely coordinating with CDC, including NIOSH, and other agencies to monitor the ongoing pandemic.
- The risk of exposure in many workplaces likely reflects the risk to the general public in the community where the workplace is located.
- Risk increases when workers have frequent, close contact with the general public or other coworkers.



Photo: U.S. Navy / Seaman Rob Aylward

[www.osha.gov/coronavirus](https://www.osha.gov/coronavirus)

# Occupational exposure risks

- **Workers in some sectors have increased risk of occupational exposure to SARS-CoV-2 from known or suspected sources of the virus, including in:**
  - Healthcare
  - Laboratories
  - Emergency response
  - Mortuary services and other deathcare



Photo: CDC

[www.osha.gov/coronavirus](https://www.osha.gov/coronavirus)



# Occupational exposure risks

- **Other sectors have increased risk of occupational exposure to SARS-CoV-2 because of frequent and/or close contact with the general public, including in:**
  - High-volume retail operations
  - Retail pharmacies
  - In-person customer service positions
  - Airline operations
  - Border protection and passenger screening



Photo: U.S. Customs and Border Protection / James Tourtellotte

[www.osha.gov/coronavirus](https://www.osha.gov/coronavirus)

# Occupational exposure risks

- **Workers in certain sectors, including some in critical infrastructure, may be at risk because of frequent or long-duration contact with coworkers:**
  - Food processing (including meatpacking)
  - Manufacturing
  - Construction
  - Oil and gas
  - Other sectors where workers would typically be within 6 feet of one another



[www.osha.gov/coronavirus](https://www.osha.gov/coronavirus)



# Existing OSHA standards protect workers from exposure

- Existing OSHA standards can help protect workers from exposure to SARS-CoV-2 and infection with COVID-19.
- OSHA can use the General Duty Clause, Section 5(a)(1), of the Occupational Safety and Health Act to ensure that workers are protected from recognized safety and health hazards that may cause serious harm.

[www.osha.gov/coronavirus](https://www.osha.gov/coronavirus)

## Relevant OSHA requirements

- Personal Protective Equipment (29 CFR 1910 subpart I), including:
  - PPE General Requirements (1910.132)
  - Eye and Face Protection (1910.133)
  - Respiratory Protection (1910.134)
  - Hand Protection (29 CFR 1910.138)
- Bloodborne Pathogens (29 CFR 1910.1030)
- Hazard Communication (29 CFR 1910.1200)
- Recordkeeping (29 CFR part 1904)



## OSHA National News Release

U.S. Department of Labor

October 16, 2020

### U.S. Department of Labor's OSHA Announces \$1,222,156 In Coronavirus Violations

**WASHINGTON, DC** – Since the start of the coronavirus pandemic through Oct. 8, 2020, the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) has cited 85 establishments for violations relating to coronavirus, resulting in proposed penalties totaling \$1,222,156.

OSHA inspections have resulted in the agency citing employers for violations, including failures to:

- Implement a [written respiratory protection program](#);
- Provide a medical evaluation, respirator fit test, training on the proper use of a respirator and personal protective equipment;
- [Report](#) an injury, illness or fatality;
- Record an injury or illness on OSHA [recordkeeping forms](#); and
- Comply with the [General Duty Clause](#) of the Occupational Safety and Health Act of 1970

OSHA has already announced citations relating to 62 establishments, which can be found at [dol.gov/newsroom](https://www.dol.gov/newsroom). In addition to those establishments, the 23 establishments below have received coronavirus-related citations totaling \$309,023 from OSHA relating to one or more of the above violations from Oct. 1 to Oct. 8, 2020. OSHA provides more information about individual citations at its [Establishment Search website](#), which it updates periodically.

# Reporting Work-related COVID-19 Hospitalizations and Fatalities

- A reportable “incident” is an exposure to SARS-CoV-2 in the workplace.
- 29 CFR 1904.39(b)(6) limitation only applies to reporting.
- Employers required to keep OSHA injury and illness records must still record work-related confirmed cases of COVID-19, as required by 29 CFR 1904.4(a).

# Reporting Work-related COVID-19 Hospitalizations

- **Reportable incident:** In-patient hospitalization occurs within 24 hours of an exposure to SARS-CoV-2 at work. [29 CFR 1904.39\(b\)\(6\)](#).
- **Employer must report:** within 24 hours of knowing that the employee was in-patient hospitalized and that the reason was a work-related case of COVID-19.

# Reporting Work-related COVID-19 Fatalities

- **Reportable incident:** fatality occurs within 30 days of exposure to SARS-CoV-2 at work. [29 CFR 1904.39\(b\)\(6\)](#).
- **Employer must report:** within eight hours of knowing both that the employee has died, and that the cause of death was a work-related case of COVID-19.

# OSHA Guidance: Recording Work-Related COVID-19 Cases

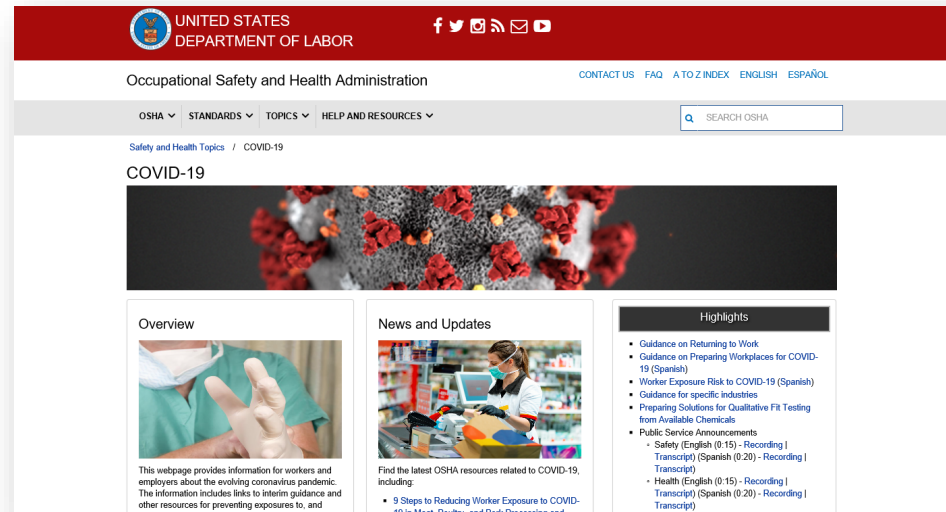
- **COVID-19 can be a recordable illness, and employers are responsible for recording cases of COVID-19 if all of the following are met:**
  - The case is a confirmed case of COVID-19 as defined by the CDC;
  - The case is work-related, as defined by 29 CFR 1904.5; and
  - The case involves one or more of the general recording criteria set forth in 29 CFR 1904.7.

[www.osha.gov/coronavirus](https://www.osha.gov/coronavirus)



# OSHA guidance

- OSHA has developed a variety of guidance materials for workers and employers on how to stay healthy during the pandemic.
- **OSHA.gov/coronavirus** includes information on implementing the hierarchy of controls when workers have specific exposure risks.



[www.osha.gov/coronavirus](https://www.osha.gov/coronavirus)

# OSHA Guidance: Returning to Work

**OSHA's booklet on returning to work emphasizes infection prevention strategies appropriate for reopening workplaces:**

- Hazard Assessment
- Hygiene
- Social distancing
- Identification and isolation of sick employees
- Employee training
- Other workplace controls and flexibilities
- Anti-retaliation practices

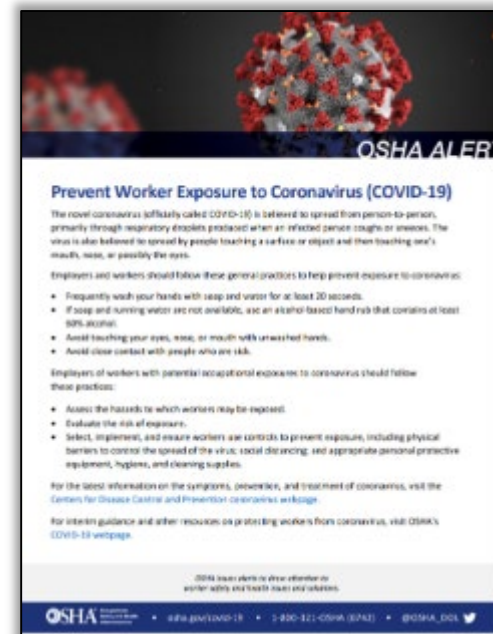
[www.osha.gov/coronavirus](https://www.osha.gov/coronavirus)

# OSHA guidance

## OSHA has developed alerts for:

- Stockroom and Loading Dock Workers
- Nursing Home and Long Term Care Facility Workers
- Retail Pharmacies
- Rideshare, Taxi, and Car Service Workers
- Dental Practitioners
- Restaurants & Beverage Vendors offering Takeout
- Construction Workers
- Package Delivery Workers
- Retail Workers
- Other risk and infection prevention topics

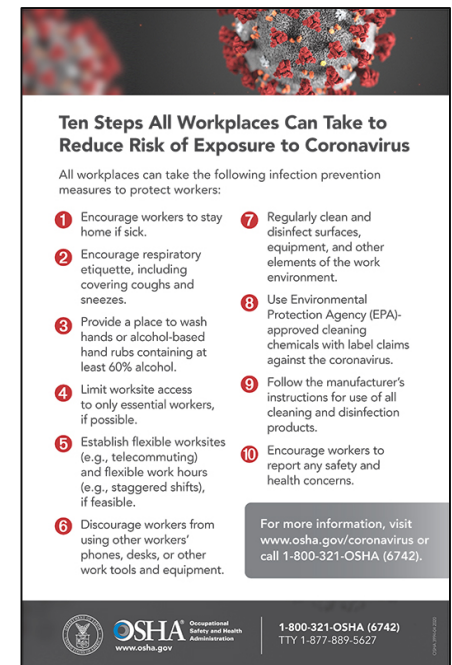
[www.osha.gov/coronavirus](https://www.osha.gov/coronavirus)



# OSHA Posters

- **Nine Steps to Reducing Worker Exposure to COVID-19 in Meat, Poultry, and Pork Processing and Packaging Facilities Poster (available in 18 languages)**
- **Seven Steps to Correctly Wear a Respirator at Work (available in 15 languages)**
- **Ten Steps All Workplaces Can Take to Reduce Risk of Exposure to Coronavirus Poster (available in 13 languages)**

[www.osha.gov/coronavirus](http://www.osha.gov/coronavirus)



# OSHA Guidance: Frequently Asked Questions (FAQs)

## FAQ topics include:

- General Information
- Cleaning and Disinfection
- Cloth Face Coverings
- Employer Requirements
- Healthcare
- Personal Protective Equipment
- Restrooms and Handwashing Facilities
- Retaliation
- Return to Work
- Testing for COVID-19
- Training
- Worker Protection Concerns
- Industry-Specific
  - Construction
  - Health Care

[www.osha.gov/coronavirus](https://www.osha.gov/coronavirus)

# OSHA guidance

- OSHA guidance helps employers comply with OSHA standards.
- Guidance is based on anticipated hazards and risks, and incorporates standard, contact, and airborne precautions, and use of face/eye protection.
- Guidance should be adapted based on employer's hazard assessment and workers' tasks.

Clockwise from L: public domain; WikimediaCommons;  
CDC/Kimberly Smith & Christine Ford



[www.osha.gov/coronavirus](https://www.osha.gov/coronavirus)



# OSHA guidance

**For U.S. workers and employers of workers with potential occupational exposures to COVID-19:**

- Identify and isolate suspected cases.
- Implement other precautions appropriate for the worksite and job tasks, and according to the hierarchy of controls.



[www.osha.gov/coronavirus](https://www.osha.gov/coronavirus)



## OSHA National News Release

U.S. Department of Labor

October 19, 2020

### U.S. Department of Labor Issues Frequently Asked Question and Answer Confirming N95 Respirators Protect Against the Coronavirus

**WASHINGTON, DC** – The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) has published a set of [Frequently Asked Questions \(FAQ\)](#) on how N95 respirators effectively protect wearers from coronavirus exposure.

OSHA is aware of incorrect claims stating that N95 respirators filter does not capture particles as small as the virus that causes the coronavirus. OSHA's new FAQ explains why an N95 respirator is effective at protecting users from the virus.

Visit OSHA's [COVID-19 webpage](#) for further information and resources about the coronavirus.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to help ensure these conditions for America's workers by setting and enforcing standards, and providing training, education, and assistance. For more information, visit [www.osha.gov](http://www.osha.gov).

The mission of the Department of Labor is to foster, promote and develop the welfare of the wage earners, job seekers and retirees of the United States; improve working conditions; advance opportunities for profitable employment; and assure work-related benefits and rights.

###

#### Media Contact:

Megan Sweeney, 202-693-4661, [sweeney.megan.p@dol.gov](mailto:sweeney.megan.p@dol.gov)

Release Number: 20-1845-NAT

# Worker Rights

## All workers have the right to:

- Raise a safety or health concern with their employer or OSHA, request personal protective equipment, or report a work-related injury or illness, including COVID-19.
- Receive information and training on job hazards in their workplace.

# Whistleblower Protections under the OSH Act

- **Employers cannot retaliate (fire, lay off, demote, etc.) against employees for engaging in activity protected under the OSH Act.**
- **Protected activity includes:**
  - Requesting personal protective equipment
  - Wearing personal protective equipment
  - Reporting a work-related injury or illness, including COVID-19, to an employer or OSHA
  - Reporting an unsafe condition to an employer or OSHA
  - Requesting guidance on workplace safety from an employer, OSHA, or other government entity

# Work Refusals under the OSH Act

- **Under the OSH Act, employees have the right to refuse to perform an assigned task if they:**
  - Have a reasonable apprehension of serious injury or death arising from a hazardous condition at the workplace; and
  - Refuse in good faith to expose themselves to the hazardous condition; and
  - Have no reasonable alternative; and
  - Have insufficient time, due to the urgency of the situation, to eliminate the danger through resort to regular statutory enforcement channels (i.e., contacting OSHA or an OSHA State Plan); and
  - Where possible, sought from their employer, and were unable to obtain, a correction of the dangerous condition.

# For continual updates

- **Visit OSHA's website to sign up to receive OSHA information:**

- QuickTakes biweekly newsletter
- Tip of the Day
- [www.osha.gov/contactus](http://www.osha.gov/contactus)

- **Follow OSHA on social media**

- Twitter: @OSHA\_DOL
- Facebook: Follow the Department of Labor page

[www.osha.gov/coronavirus](http://www.osha.gov/coronavirus)



# Compliance Assistance

**OSHA works with employers  
to improve workplace safety  
and health**



# Prevention

- **saves lives**
- **prevents injuries**
- **saves money**



# OSHA Working With Employers

2018 OSHA data

**5,000** outreach activities by Regional & Area Offices

**12,000** email requests for assistance answered

**26,000** small businesses helped through Consultation

**247,000** responses to OSHA 1-800 calls for help

**250,000** subscribers to OSHA's QuickTakes newsletter

**500,000** views of OSHA's videos on YouTube

**1 million** trained in OSHA's Outreach Training Program

**3.2 million** workers removed from hazards through Consultation

**19 million** people used OSHA's website

# OSHA's Cooperative Programs

- On-Site Consultation Program
- Safety and Health Achievement Recognition Program (SHARP)
- Alliance Program
- OSHA Strategic Partnership Program
- Voluntary Protection Programs (VPP)
- OSHA Challenge

# On-Site Consultation Program

- No cost to employers
- Separate from enforcement and confidential
- Identifies workplace hazards
- Advice on compliance with OSHA standards
- Helps employers establish safety and health programs
- More than 3.2 million workers removed from hazards in FY 2019



# On-site Consultation

- No cost to employers
- Separate from enforcement and confidential
- Identifies workplace hazards
- Advice on compliance with OSHA standards
- Helps employers establish safety and health programs
- More than 3.2 million workers removed from hazards in FY 2019





# New York State DOL offices

[onsite@labor.ny.gov](mailto:onsite@labor.ny.gov)

## Office Locations:

Albany	(518) 457-2810
Binghamton	(607) 721-8019
Buffalo	(716) 847-7166
Garden City	(516) 228-3959
New York City	(212) 775-3526
Rochester	(716) 847-7166
Syracuse	(315) 479-3205
Utica	(315) 793-2319
White Plains	(914) 997-9511

# Safety and Health Achievement Recognition Program (SHARP)

- Recognizes businesses as models for worksite safety and health
- Deferrals from OSHA's programmed enforcement inspections while SHARP certification is valid
- Companies must meet strict eligibility requirements to be recognized for SHARP
- 1,322 SHARP sites at end of FY 2018



# OSHA Challenge

- Avenue to develop or improve safety and health programs
- Volunteer administrators provide mentoring, training and progress tracking
- More than 80 employers have graduated from OSHA Challenge; over a third of these employers achieved VPP recognition



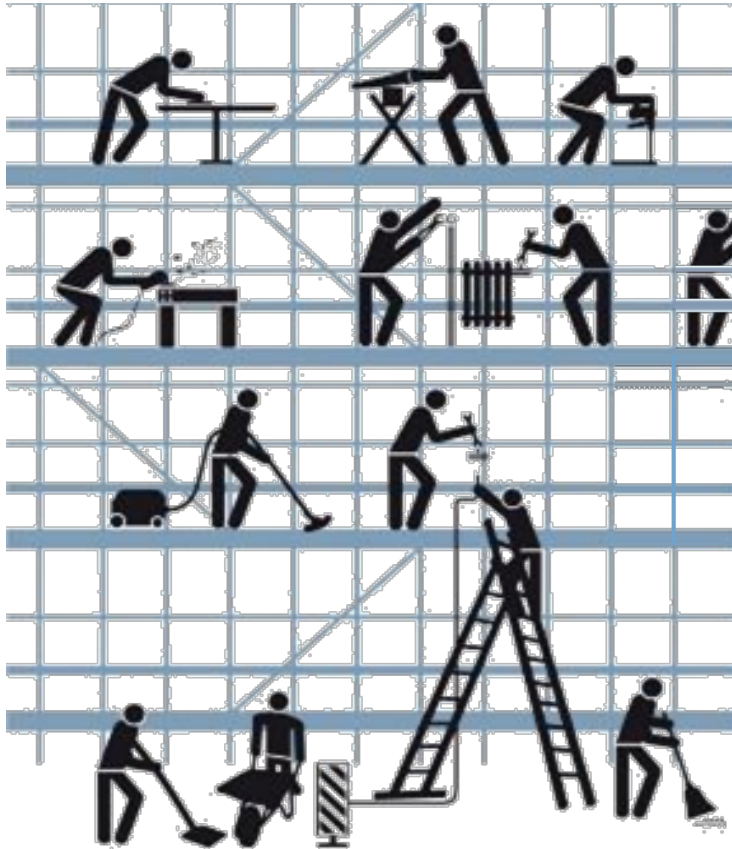
# Voluntary Protection Programs

Participants:

- Exceed OSHA standards
- Develop and implement effective safety and health programs
- Mentor other employers and workers



# VPP National Impact



- Nearly 800,000 workers covered
- Injury and illness rates are 50% or lower than industry averages

# OSHA Strategic Partnership Program

- OSHA and stakeholders collaborate on ways to improve conditions for workers
- Strategic Partnerships are made at the national, regional, and area office levels
- Over 2 million employees have been protected from safety and health hazards through a partnership since 1998



# Alliance Program



Positive relationships  
with workers and employers:

- Build trust
- Encourage information sharing
- Promote education



# Grain Safety

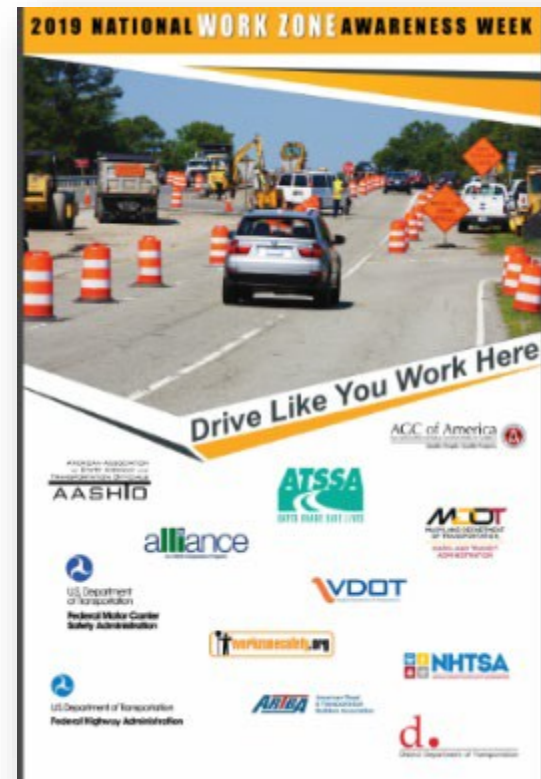
## Six steps to grain safety:

- Never walk down grain
- Guard elevated work surfaces
- Watch for moving equipment
- Control the dust
- Safeguard moving equipment
- Lockout equipment before maintenance



# Work Zone Awareness Week

- Annual spring campaign held at the start of construction season to encourage safe driving through highway work zones
- OSHA's Roadway Work Zone Alliance supports the week and developed this poster



# Stop Falls: Fall Prevention Campaign



**PLAN. PROVIDE. TRAIN.**  
*Three simple steps to preventing falls.*

**Falls** are the leading cause of worker fatalities in construction. **These are preventable.**

- PLAN ahead to get the job done safely.
- PROVIDE the right equipment.
- TRAIN everyone to use equipment safely.



[5 ways to Prevent Workplace Falls](#)

# Preventing Trenching Incidents

- DOL's Strategic Plan identifies trenching hazards as an agency priority.
- OSHA's goal is to increase the number of corrected trenching hazards through enforcement and consultation.



## Excavations in Construction

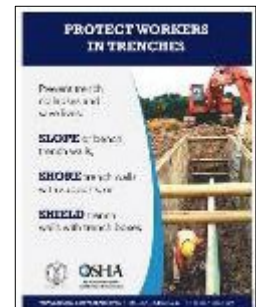
[English](#)  
[Spanish](#)



## 5 Things You Should Know To [Stay Safe](#) in a Trench



sticker



poster

# Heat Illness Prevention Campaign

- Heat illness sickens thousands and results in the deaths of dozens of workers each year
- Campaign educates employers and workers on danger of working in heat, and three steps to prevention: WATER. REST. SHADE.
- Resources include OSHA-NIOSH heat safety app
- Informal launch is “No-Fry Day” – Friday before Memorial Day



**WATER. REST. SHADE.**

**OSHA Heat Illness  
Prevention Campaign**



[Spanish](#)

[English](#)

[osha.gov/heat](https://osha.gov/heat)

10/23/2020

**OSHA**<sup>®</sup> Occupational  
Safety and Health  
Administration



# Safe + Sound Campaign

- Every workplace should have a safety and health program that includes key elements to protect workers.
- Good for workers and businesses' **bottom line**
- Targets **small and medium**-sized businesses



# Safety and Health Programs

Every effective safety and health program includes **three key components:**

- Management leadership
- Worker participation
- A systematic approach to finding and fixing workplace hazards





# Suicide Prevention

## Get help now.

If you're having trouble coping with work-related stress, talk with someone who can help.

- Call 1-800-273-8255
- Para español 1-888-628-9454
- Online chat [suicidepreventionlifeline.org/chat](https://suicidepreventionlifeline.org/chat)



# Protecting Young Workers

Workers of all ages have rights to safe workplaces:

- to raise concerns about hazards without fear of retaliation
- to receive training and PPE
- to ask questions if something seems unsafe



[www.osha.gov/youngworkers](https://www.osha.gov/youngworkers)

#MySafeSummerJob



[OSHA: Young  
Workers' Rights  
\(Spanish\)](#)

[OSHA: Young  
Workers' Rights  
\(English\)](#)

# Questions?

- **Michael Levy**  
OSHA Region 2

Email:  
levy.mike@dol.gov

Phone: 212-337-4637

[www.osha.gov/coronavirus](https://www.osha.gov/coronavirus)

- **OSHA Region 2 Office**  
– New York  
Phone: 212-337-2378



[www.osha.gov](http://www.osha.gov)

1-800-321-OSHA (6742)