

UPDATED COVID-19 GUIDANCE FOR CRITICAL WORKERS AND ALL WORKER OSHA REQUIREMENTS

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Weeks ago, the U.S. Centers for Disease Control and Prevention issued [Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 \(COVID-19\)](#). Recently, the CDC issued additional guidance concerning critical infrastructure workers who have been potentially exposed to COVID-19. To keep your business safe and productive, we at Messerli Kramer put together the following overview of the update.

The update recommends that critical infrastructure workers should continue working following potential exposure to COVID-19. Potential exposure includes household contact or contact within 6 feet of individual who is suspected or confirmed to have COVID-19. This includes any exposure to such and individual in the 48 hours before the person became symptomatic.

Critical workers who have been potentially exposed should continue working - provided that they and their employers do the following:

- > Employer tests employees' temperature and observe any symptoms before employees enter work facilities;
- > Employees wear masks at work for the 14 days following their last exposure;
- > Practice social distancing;
- > Stagger employee breaks and do not share food or utensils;
- > Do not share headsets or other objects used near mouth or nose;
- > Employees self-monitor under employers' occupational health programs;
- > Routinely and more-frequently clean and disinfect all commonly-used areas, following the CDC's guide to [Cleaning and Disinfecting Your Facility](#); and
- > Employers increase air exchanges in workrooms.

To improve awareness and compliance on these recommendations, the CDC created these [printable flyers for workplaces](#).

OSHA REQUIREMENTS FOR ALL WORKERS

With the new normal of the real possibility for worker exposure to COVID-19 and the need to clean, sterilize and sanitize workplaces, equipment and surfaces many businesses that were never subject to OSHA regulation at the State or Federal level now find themselves with new compliance and workplace safety regulation issues.

[Section 5\(a\)\(1\)](#) of Occupational Safety and Health Act (OSHA) requires employers to furnish to each worker "employment and a place of employment, which are free from recognized hazards that are causing or are likely to cause death or serious physical harm." This can include exposure to COVID-19 virus infected employees or customers or from chemicals that might be hazardous or harmful.

Chemical Exposure - Employers must also protect workers from exposure to hazardous chemicals used for cleaning and disinfection. Common sanitizers and sterilizers could contain hazardous chemicals, triggering employers to provide:

1. Hazard Communication documentation and training (in general industry, [29 CFR 1910.1200](#)), or the use of
2. Personal Protective Equipment standards (in general industry [29 CFR 1910 Subpart I](#)).



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Personal Protective Equipment (PPE) standards (29 CFR 1910, Subpart I) require using gloves, eye and face protection, and respiratory protection. OSHA requires specific, documented training for PPE use, especially the use of respiratory protection such as masks, respirators and full face respirators.

NOTE: Only of the only changes or accommodations made by OSHA as a result of the COVID-19 is a temporary change in the guidance on the use of N95 respirators. The changes include relaxed enforcement of respirator annual fit-testing requirements for healthcare workers only. Other employers must meet the current guidance on extended use or reuse of N95 respirators by the same employee. There is also guidance on the use of expired respirators and use of Surgical/dust masks – not respirators.

OSHA Mandatory Recordkeeping: COVID-19 can be a recordable illness if a worker is infected as a result of **performing their work-related duties**.

OSHA COVID guidance on recognition, medical information, standards, control and prevention can be found [here](#).

Minnesota has an OSHA approved state plan

Employers under the jurisdiction of Minnesota OSHA must comply with both the federal OSHA standards adopted by reference in Minnesota and Minnesota Statutes and Rules. **MNOSHA COVID guidance** can be found [here](#).

We at Messerli Kramer are dedicated to supporting you through the COVID-19 crisis. Be sure to [monitor the CDC](#) for updates, and contact either of the authors with your questions.

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