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Employer's Responsibility for Safe Workplace and COVID Considerations

In light of the international novel coronavirus pandemic, federal agencies are forming guidance for employers to keep workplaces safe. In the fast-changing environment, the agencies are giving guidance on best practices. It is likely this will form the base for rule making in the future and decision making on potential workplace safety violations. The following information will help employers to make decisions on what level of cleaning and health is needed for their facility.

OSHA – Occupational Safety and Health Administration
This section highlights OSHA standards and directives (instructions for compliance officers) and other related information that may apply to worker exposure to novel coronavirus, COVID-19.

There is no specific OSHA standard covering COVID-19. However, some OSHA requirements may apply to preventing occupational exposure to COVID-19. Among the most relevant are:

- The General Duty Clause, Section 5(a)(1) of the Occupational Safety and Health (OSH) Act of 1970, 29 USC 654(a)(1), which ***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."***

https://www.osha.gov/SLTC/covid-19/standards.html

Studies vary on how long the SARS-CoV-2 virus can live outside an infected person. A study by UCLA and Princeton shows it can remain airborne for up to three hours, 72 hours on a hard surface, 24 hours or less on a textile or paper surface.[1] However, in the case of the Diamond Princess Cruise ship the CDC reported the virus on the cruise ship in the passenger rooms of those who had been infected and of those who had not been infected 17 days after the passengers left the cabins.[2]

Both reports underscore the importance of following a strict cleaning and disinfection protocol. This protocol includes using an EPA approved disinfectant for SARS-CoV-2.[3] With stay at home orders some employers may believe they have done enough in their workplace by having their

[1] NIH news release March 17, 2020 https://www.nih.gov/news-events/news-releases/new-coronavirus-stable-hours-surfaces
[2] CDC Morbidity and Mortality Weekly Report March 26, 2020 https://www.cdc.gov/mmwr/volumes/69/wr/mm6912e3.htm?s_cid=mm6912e3_w
[3] EPA List N: Disinfectants for Use Against SARS-CoV-2 https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2

commercial cleaning company perform regular service after the last day the building was open. This may not be enough to ensure OSHA's general duty clause has been met.

Industry guidance from the Global BioRisk Advisory Council®, outlines specific practices to ensure that an environment is risk free. These steps include:

1. Pre-assessment – determine level of decontamination
2. Pre-disinfecting – knock down the infectious agent prior to entering the site
3. Load Reduction – remove visible contamination and/or grossly contaminated items
4. Detailed Forensic Cleaning – meticulous cleaning of surfaces
5. Professional Disinfection – ensure dwell time and special attention to touch points
6. Post-Site Assessment – quality control to ensure safety of the environment

Our analysis of the OSHA standard, Princeton study and CDC data breaks the current pandemic conditions to three levels. The level of disinfection depends on several factors and these can be determined in the pre-assessment.

Level 1 – Active symptom suspected COVID-19 person in the building. The building is an essential business and must stay open.

Level 2 – Person in the building prior to having active symptoms, but now self-quarantined or tested positive.

Level 3 – No known infected persons in the building, but community transmission and stay at home or shelter in place orders given.

An industry best practice is for your cleaning company to certify that they have assessed your building and cleaned it at the appropriate level. A written report with the process and areas should be prepared after the cleaning is completed. This ensures you are in regulatory compliance. It protects your business should a workplace question come from one of your employees or get escalated to a regulatory agency.[4] More importantly you can assure your team that you've taken every reasonable step to provide them with a healthy and clean workplace.

[4] COVID as reportable workplace illness. Employees infected as a result of performing their work-related duties. https://www.osha.gov/SLTC/covid-19/standards.html