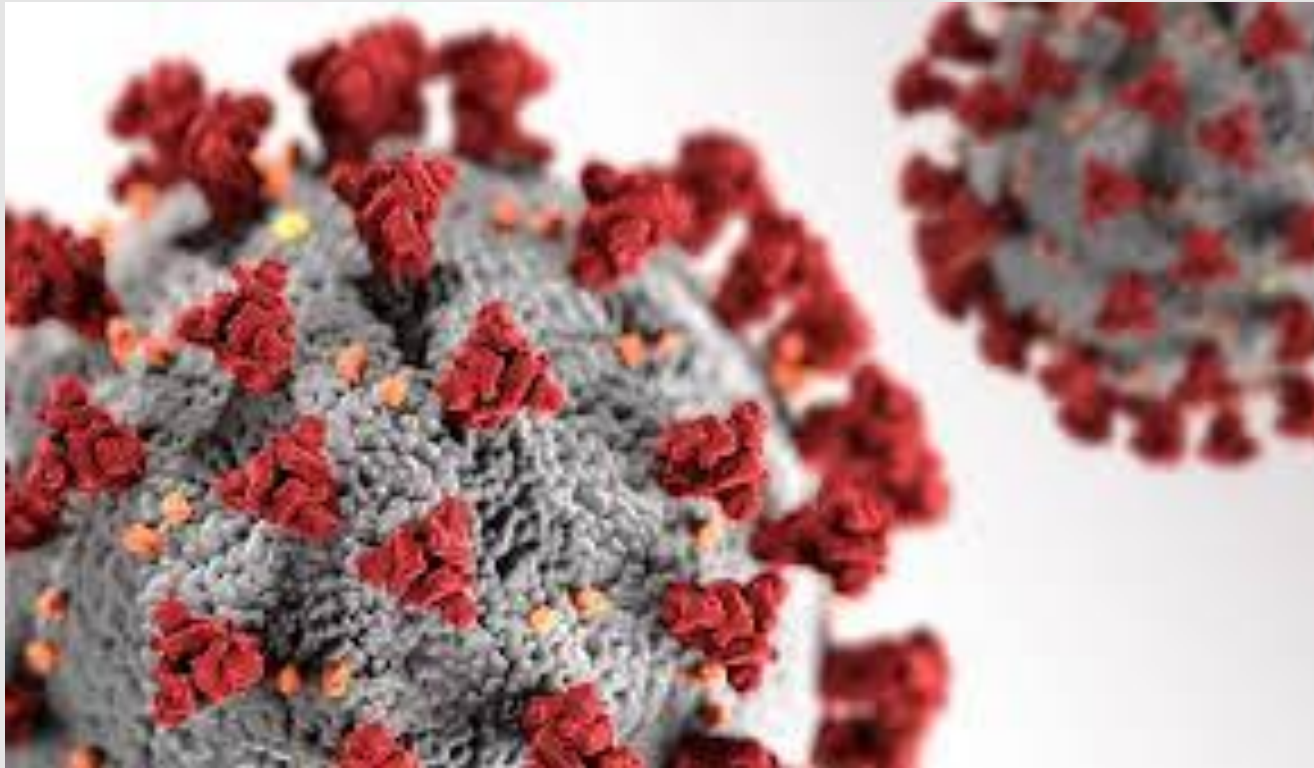


29 CFR 1926.58 COVID-19



The requirements applicable to construction work under this section are identical to those set forth at 29 CFR 1910.501 Subpart U.





29 CFR 1910.501 Vaccination, testing, and face coverings

(a) Purpose

..... To reduce harm

(b) Scope

(1) Employers with a total of 100 or more employees (regardless of vaccination status) at any time the standard is in effect (if triggered, must remain compliant through the duration of the ETS). This includes the total number of full and part-time employees across **all locations (or worksites)**, but not independent contractors.

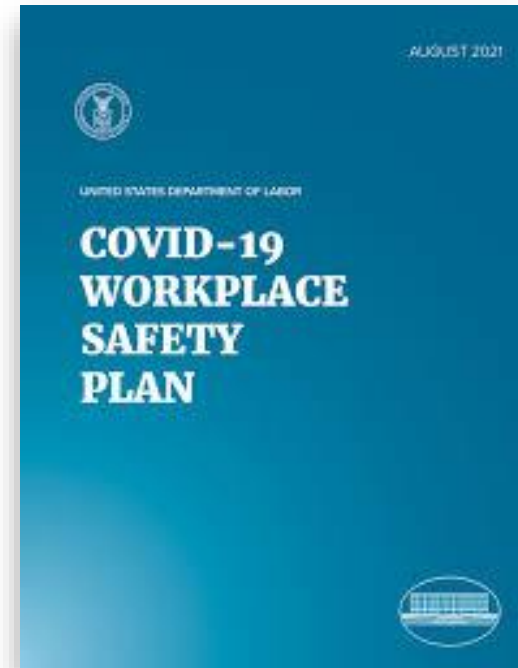
On a typical multi-employer worksite such as a construction site, each company represented – the host, GC/CM, and each subcontractor – would only need to count its own employees, and the host and GC/CM would not need to count the total number of workers at each site.

The determination as to whether a particular employer is covered by the ETS should be made separately from whether individual employees are covered by the ETS

Note: Temp workers provided by “staffing agency” are the responsibility of the staffing agency (the employer)

(b) Scope

(2) The ETS sets forth two exemptions to the. The ETS does not apply to workplaces covered by theSAFER FEDERAL WORKFORCE TASK FORCE COVID-19 WORKPLACE SAFETY, September 24, 2021, or HEALTHCARE INDUSTRY covered by 29 CFR 1910.502.



(b) Scope

(3) The ETS provides that, even where the standard applies to a particular employer, its requirements do not apply to employees

- (i) Who do not report to a workplace where other individuals such as co-workers or customers are present;
- (ii) while working from home; or
- (iii) who work exclusively outdoors.

identify specific incidents that led to transmission. In addition, workplaces characterized as “outdoors” may in fact involve significant time spent indoors. For example, on a construction site, workers inside a partially complete structure are not truly outdoors, and some individuals on a construction site may spend significant amounts of time in a construction trailer where other individuals are present. Workers at outdoor locations may also routinely share work vehicles. These indoor exposures could account for COVID-19 clusters among employees at worksites otherwise characterized as being outdoors. And employees whose outdoor time is interrupted by the indoor periods will still be subject to the requirements in this ETS.

Studies of athletic teams further indicate that evidence of COVID-19 clusters among workers characterized as working outdoors could actually be due to **Crew shacks? Scaffold enclosed for weather?**

An employee will only be covered by the exemption in paragraph (b)(3)(iii) if the employee works exclusively outdoors. Thus, an employee who works indoors on some days and outdoors on other days would not be exempt from the requirements of this ETS. Likewise, if an employee works primarily outdoors but routinely occupies vehicles with other employees as part of work duties, that employee is not covered by the exemption in paragraph (b)(3)(iii). However, if an employee works outdoors for the duration of every workday except for *de minimis* use of indoor spaces where other individuals may be present – such as a multi-stall bathroom or an administrative office – that employee

Ride share to and from work? between work locations within a business day? what if CM requires workers to sit in cars at break time?

(b) Scope

employee's home (e.g., a lunch break at home). Extremely brief periods of indoor work would not normally expose employees to a high risk of contracting COVID-19; however,

OSHA will look at cumulative time spent indoors to determine whether that time is *de minimis*. Thus, if there are several brief periods in a day when an employee goes inside, OSHA will total those periods of time when determining whether the exception for exclusively outdoors work applies.

Finally, to qualify for this exception, the employee's work must truly occur

"outdoors," which would not include buildings under construction where substantial portions of the structure are in place, such as walls and ceiling elements that would impede the natural flow of fresh air at the worksite. Workplaces that are truly outdoors typically do not include any of the characteristics that normally enable transmission of SARS-CoV-2 to occur, such as poor ventilation, enclosed spaces, and crowding. As discussed in Bulfone et al. (November 29, 2020), the lower risk of transmission in outdoor settings (i.e., open air or structures with only one wall) is likely due to increased ventilation with fresh air and a greater ability to maintain physical distancing (see *Grave*

Danger, Section III.A. of this preamble, for more information on risk of transmission outdoors).

References:

Assume close-contact definition within 6-ft for 15 or more minutes over 24-hour day

Table IV.B.1-Occupations with workers who work outdoors

SOC Code	Occupation	Percent outdoors constantly	Percent outdoors exclusively
373011	Landscaping and Groundskeeping Workers	90%	9%
472061	Construction Laborers	79%	8%
474051	Highway Maintenance Workers	48%	5%
339092	Lifeguards, Ski Patrol, and Other Recreational Protective Service	45%	5%
470000	Construction and Extraction Occupations	42%	4%
471011	First-Line Supervisors of Construction Trades and Extraction	39%	4%
472073	Operating Engineers and Other Construction Equipment Operators	36%	4%
370000	Building and Grounds Cleaning and Maintenance Occupations	26%	3%
272022	Coaches and Scouts	14%	1%
530000	Transportation and Material Moving Occupations	8%	1%
390000	Personal Care and Service Occupations	5%	0.5%
270000	Arts, Design, Entertainment, Sports, and Media Occupations	2%	0.2%

Source: BLS Occupational Requirement Survey (BLS, 2020), OSHA calculations.

fresh air (this is good use CO2 measurements) and maintain physical distancing

(c) Definitions

COVID-19 Test

- (i) Cleared, approved, or authorized, including EUA, by the FDA to detect **current** infection of SAR-CoV-2 virus;
- (ii) Administered per authorized instructions;
- (iii) Not both self-administered AND self-read unless observed by the employer or authorized telehealth proctor.



COVID-19 Testing



Molecular
(RT-PCR)



Antigen
(Rapid)

COVID-19 TESTING	MOLECULAR PCR TEST	RAPID ANTIGEN TEST	ANTIBODY TEST
Nasal Swab	✓	✓	
Tests for Active, Current Infection of COVID-19	✓	✓	
Accurate Positive Result for Active Infection	✓	✓	
Accurate Negative Result for Active Infection	✓	✓	✓
Available through Hendrick at Hickory Place Screening	✓	✓	

Reminder...

(c) Definitions

Face Covering

- (i)(A) Completely covers nose and mouth;
- (i)(B) Two or more layers of breathable fabric that is tightly woven (no light can pass through);
- (i)(C) Secured to head with ties, ear loops, or elastic bands that go behind the head.
Gaiters can be worn refer (i)(B);
- (i)(D) Fits snugly over nose, mouth and chin with no large gaps on outside of face; and
- (i)(E) Is a solid piece of material without slits, exhale valves, visible holes, punctures, or other openings.



(c) Definitions

Facemask

Means a surgical, medical procedure, dental, or isolation mask that is FDA cleared, authorized by an FDA-EUA, or offered or distributed as described in a FDA enforcement policy.

...provides protection against exposure to splashes, sprays, and spatter of bodily fluids. Facemasks are both source control (refer face covering) and protection for the wearer.



(c) Definitions

Fully Vaccinated

- (i) A person's status 2-weeks after completing primary vaccination with a COVID-19 vaccine with, if applicable, at least the minimum recommended interval between doses in accordance with the approval and authorization (A&A), or listing that is:
 - (A) FDA approved or EUA;
 - (B) Listed for emergency use by WHO; or
 - (C) Administered as part of clinical trial is US....not a placebo....efficacy verified by a data and safety monitoring board...can be listed for emergency use by WHO; or
- (ii) A person's status 2-weeks after receiving the second dose of any combination of two dose COVID-19 vaccine A&A FDA, or WHO. Second dose must not be received earlier than 17 days (21 days with 4-day grace period) after first dose.



MONTH: _____						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	X	1	2	3	4	5
6	7	8	9	10	11	12
13	14	✓				

June 20, 1994

Aug 5, 2011

(c) Definitions

Mandatory Vaccination Policy is an employer policy require each employee to be fully vaccinated. To meet this definition, the policy must require: vaccination of all employees, including vaccination of all new employees as soon as practicable, other than those employees:

- (i) For whom a vaccine is medically contraindicated;
- (ii) For whom medical necessity requires a delay in vaccination; or
- (iii) Who are legally entitled to a reasonable accommodation under the EEOC because they have a disability or sincerely held religious beliefs, practices, or observations that conflict with the vaccination requirement.

(c) Definitions

Respirator

Means a type of PPE that is certified by NIOSH under 42 CFR part 84 or is authorized under the EUA by the FDA.....

Face coverings, facemasks, and face shields are not respirators.



(c) Definitions

Workplace

Means a physical location (e.g. fixed, mobile) where the employer's work or operations are performed. It does not include an employee's residence.

This includes the entire site (including indoors and outdoors or a group of structures) or an area within a site where work or any work-related activity occurs (e.g. taking breaks, going to the restroom, eating, entering or exiting work). The workplace includes the entirety of any space associated with the site (e.g. workstations, hallways, stairwells, breakrooms, bathrooms, elevators) and any other space that an employee might occupy in arriving, working or leaving.

What if two employees cohabitate and are working from home?

Example of mobile workplace include service technicians who go to homes or business to provide repair service, or those who provide delivery service.

How about attending a conference?
Or meeting a client for a business meal?

(d) Employer policy on vaccination

(1) Written mandatory policy



...with reasonable accommodation process required pursuant to



(d) Employer policy on vaccination

(1) Written mandatory policy



....with reasonable accommodation process



(2) Written policy allows choice



OR



Every 7-days



Indoors

Exempt from (d)(1) if (d)(2)

written record of that policy. After determining the policy, an employer must then ensure
that it is following the policy, as laid out in its written plan. Finally, employers must
ensure that they enforce the requirements of their policies with respect to their workforce,
through training and the use of such mechanisms as work rules and the workplace
disciplinary system, if necessary. These requirements apply to the written policy required

*How is an employer supposed to enforce work
rules such as face coverings utilization?*

(e) Determination of employee vaccination status

(1)



Determine status (ongoing)

(2)

A COVID-19 Vaccination Record Card from the CDC. The card is white with black text and features the CDC logo. It contains fields for personal information and vaccination details. Handwritten entries in blue ink are present, along with green checkmarks indicating verification. The card is held by a hand, and the background is slightly blurred.

Vaccine	Product Name/Manufacturer	Lot Number	Date	Healthcare Professional or Clinic Site
1 st Dose COVID-19	PFIZER	ER8730	4/8/21	BAY EDE N
2 nd Dose COVID-19	PFIZER	EW0158	4/29/21	BAY EDE N

Acceptable proof

(e) Determination of employee vaccination status

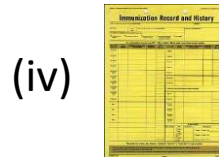
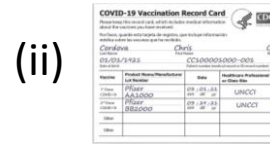
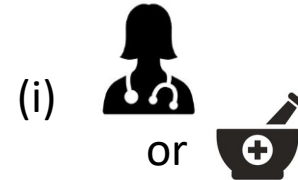
(2)

COVID-19 Vaccination Record Card
 Please keep this record card, which includes medical information about the vaccines you have received.
 Por favor, guarde esta tarjeta de registro, que incluye información médica sobre las vacunas que ha recibido.

Last Name	MI		
First Name			
Patient number (medical record or IIS record number)			
Date of birth	11/2		
Vaccine	Product Name/Manufacturer	Date	Healthcare Professional or Clinic Site
1 st Dose COVID-19	PFIZER	4/8/21	BAY EDE N
2 nd Dose COVID-19	PFIZER	4/29/21	BAY EDE N
	EWQ158		

Acceptable proof

Immunization record



Note: Fraud subject to criminal prosecution under 18 USC § 1001 and OSH Act 1970 17(g)



OSHA could utilize OSH Act 1970 (5)(b).....



(e) Determination of employee vaccination status

(5) If status of fully vaccinated obtained prior to 11/5/21...



via, dated form, individual emails, employee portal to provide documented status even if the record doesn't contain all of the required information.....



the employer is exempt from having to determine vaccine status, obtain proof, or maintain records for fully vaccinated employees

(f) Employer support for employee vaccination

(1) Time off for vaccination (each dose)...



4 hours

Vaccine schedule



(2) Time off to recover (after each dose)...



DAYS

Employer policy can require time deducted from

PTO Bank (Sick, Vacation, Bereavement)



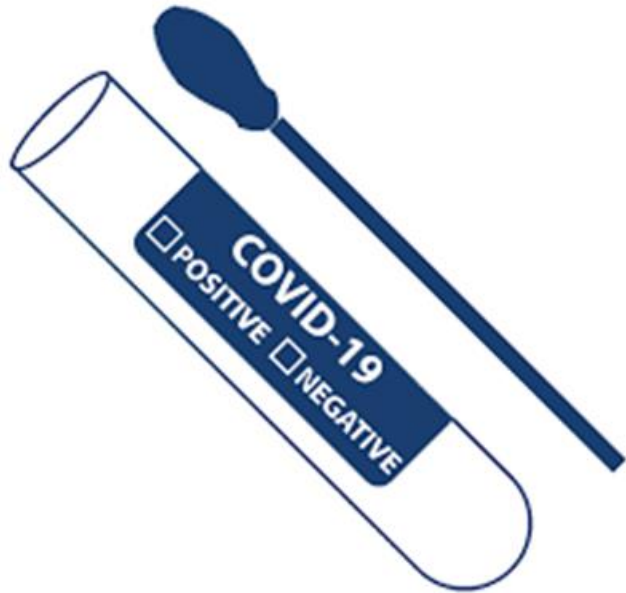
VS.

Sick – Vacation – Bereavement – Floating holiday

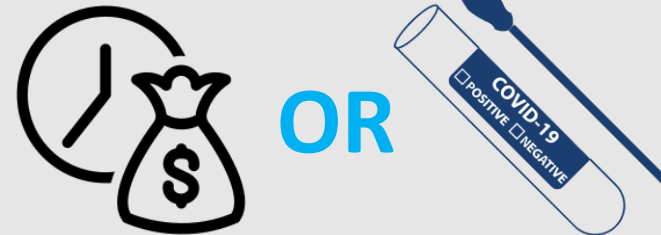


(g) COVID-19 testing for employees who are not fully vaccinated

(1) Employer must ensure not fully vaccinated EEs test...



Note: The ETS doesn't require or prohibit employers to ...





















(g) COVID-19 testing for employees who are not fully vaccinated

(1)(i) EE that reports once every 7-days to be tested every 7-days with documentation provided within 7-days following date of last test.









(1)(ii) EE that doesn't report during a period of 7 or more days must be tested within 7-days with documentation provided upon RTW.

January 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5  	6	7	8
9	10	11	12  	13	14	15
16	17	18	19  	20	21	22 
23 	24 	25 	26  	27 	28 	29 
30  	31					

Employee A includes planned vacation - 7-day test result provided prior to RTW...

January 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3 	4 	5 	6 	7 	8
9  	10 	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

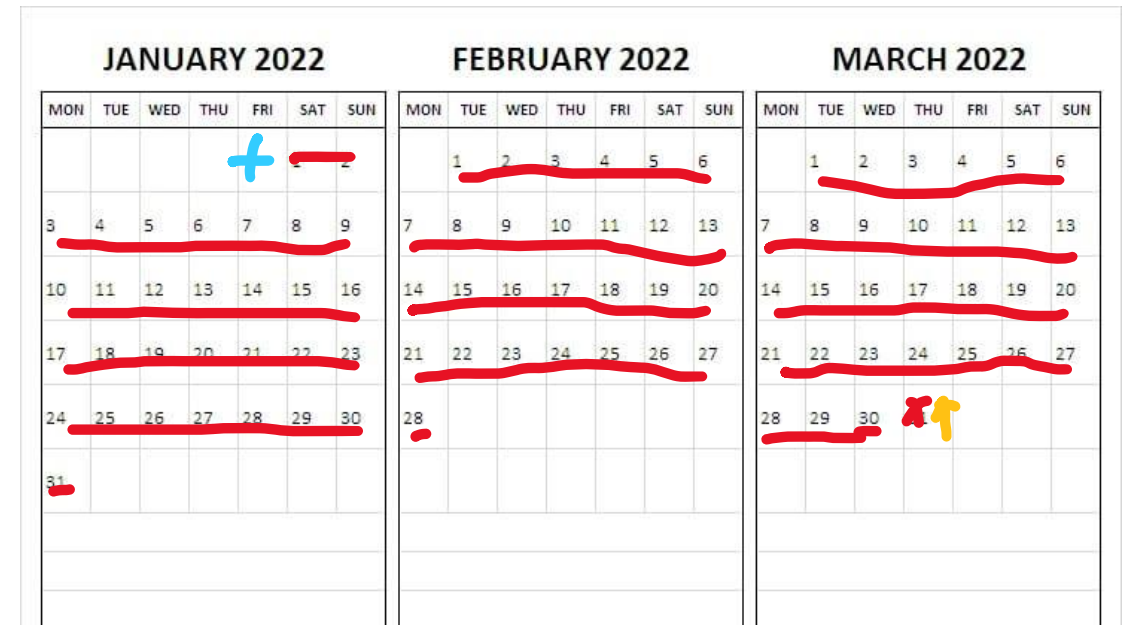
New employee 7-day test result provided prior to start of work...

 Test  Vacation  New hire date  Upload test result

(g) COVID-19 testing for employees who are not fully vaccinated

(2) EE that doesn't provide the required test documentation to be removed from workplace until employee provides test result.

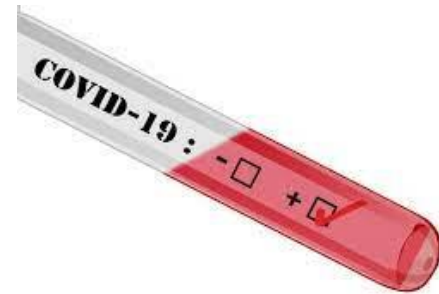
(3) No testing for 90-days following POS test or diagnosis...



✗ Test — No test required + POS test or diagnosis ↑ Upload test result

(h) Employee notification to employer of a positive COVID-19 test and removal

(1) ETS requires EE to provide prompt notice to employer when...



Plus, any company policy regarding symptoms ...



NOT in ETS

(h) Employee notification to employer of a positive COVID-19 test and removal

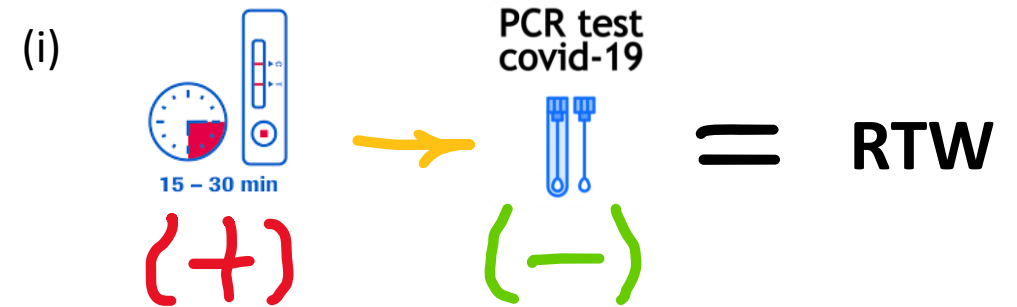
(2) Immediately remove EE from workplace if...



ETS



And, to keep the EE removed until the EE....



(ii) Meets the CDC return from isolation criteria refer 2/18/21 document.

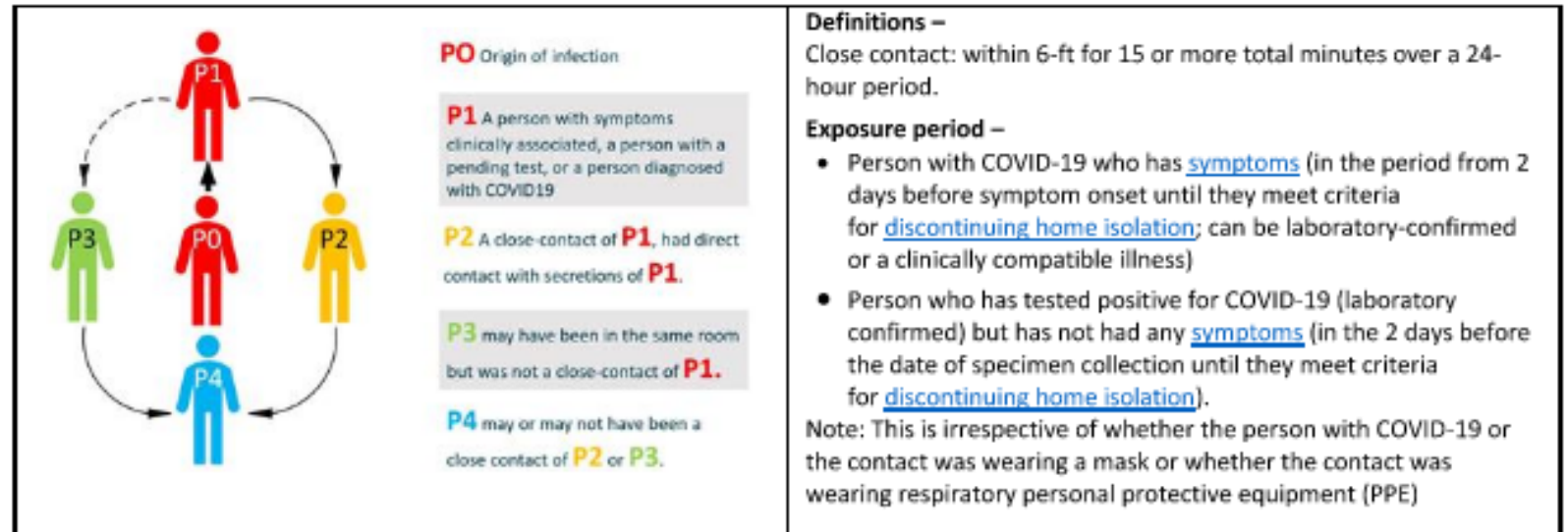
(iii) Receives a recommendation to leave isolation from a licensed health care professional (LHCP) *to remain isolated beyond the CDC criteria PER preamble.*

(h) Employee notification to employer of a positive COVID-19 test and removal

**OSHA'S EMERGENCY
TEMPORARY STANDARD ON
VACCINATION AND TESTING**



New requirements will **keep workers safe** and fight the coronavirus.



The standard doesn't require employer to conduct contact tracing....

(i) Face coverings

(1) Not fully vaccinated employees must **wear a face covering when indoors and when occupying a vehicle with another person for work purpose, **except:****



400 ppm
CO₂



When in a single occupant office (floor to ceiling walls)

For a limited time while eating or drinking, or for security ID at checkpoint

When wearing a respirator or face mask

When infeasible or creates greater hazard.



(i) Face coverings

(2) Employer must ensure that any face covering required to be worn...

(i) **PLEASE COVER YOUR MOUTH AND NOSE**



(ii)



Is replaced when wet, soiled, or damaged (e.g. ripped, broken ear loops)

If vaccination status is a medical record and medical records are confidential, how does an employer enforce face covering utilization?

Is this an OSH Act of 1970 General Duty (5)(b)? Employee misconduct?

Should HR send weekly compliance survey to each not fully vaccinated employee and subject them to fraud charge?

Should HR conduct field inspections?

Can HR designate compliance inspectors?





How do we get past the vaccine medical record privacy issue for enforcement ?



Public Burden Statement
 A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information if it does not display this notice. The collection of information displayed on this form is required by 2126-0006, Public Reporting Burden for the collection of information is estimated to average approximately 15 minutes per response, including the time for reviewing instructions, gathering the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Information Collection Clearance Office, Federal Motor Carrier Safety Administration, MC-80A, 1200 New Jersey Avenue, SE, Washington, DC 20590.

Medical Examiner's Certificate
 (Or Licensure/State Medical Certificate)

I certify that I have examined: Last Name: _____ First Name: _____ in accordance with (please check only one):

The Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.49) and, with knowledge of the driving duties, I find this person is qualified, and, if applicable, only when (check all that apply): OR

The Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.49) with any applicable State variances (which will only be valid for intrastate operations), and, with knowledge of the driving duties, I find this person is qualified, and, if applicable, only when (check all that apply):

Wearing corrective lenses Accompanied by a _____ waiver/exemption Driving within an exempt intrajury zone (49 CFR 391.60) (if/when):
 Wearing hearing aid Accompanied by a Skill Performance Evaluation (SPE) Certificate Qualified by operation of 49 CFR 391.68 (if/when):
 Grandfathered from State requirements (State): _____

The information I have provided regarding this physical examination is true and complete. A complete Medical Examination Report Form, _____ **Medical Examiner's Certificate Expiration Date**
 MCSA-5875, with any attachments embodies my findings completely and correctly, and is on file in my office.

Medical Examiner's Signature _____ **Medical Examiner's Telephone Number** _____ **Date Certificate Signed** _____

Medical Examiner's Name (please print or type) _____ MD Physician Assistant Advanced Practice Nurse
 DO Chiropractor Other Practitioner (specify) _____

Medical Examiner's State License, Certificate, or Registration Number _____ **Issuing State** _____ **National Registry Number** _____

Driver's Signature _____ **Driver's License Number** _____ **Issuing State/Province** _____

Driver's Address _____ **CLP/CDL Applicant/Holder** _____
 Street Address: _____ City: _____ State/Province: _____ Zip Code: _____ Yes No

This document contains sensitive information and is for official use only. Improper handling of this information could negatively affect individuals. Handle and secure this information appropriately to prevent inadvertent disclosure by keeping the documents under the control of authorized persons. Properly dispose of this document when no longer required to be maintained by regulatory requirements.

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Face Covering Passport

I certify that I have examined: Last Name: _____ First Name: _____ OSHA - 29 CFR 1910 Subpart U _____ OR

OSHA - 29 CFR 1910 Subpart U

I find this person is qualified, and, if applicable, only when (check all that apply):

wearing a face covering when indoors, except when in a single occupant office, limited time while eating or drinking or at a security check point, when wearing a respirator or face mask.

wearing a face covering when cohabitating a motorized vehicle with other workers.

The information contained within the face covering passport is true and complete. And, is based upon a review of _____ **Face Covering Passport Expiration Date**
 documentation provided by the employee identified above. **June 5, 2022**

Signature of authorized Human Resource Dept Contact: _____ **HR Dept contact number:** _____ **Date signed:** _____

Printed name of HR Dept contact: _____ MD Physician Assistant Advanced Practice Nurse
 DO Chiropractor Other Practitioner (specify) _____

Employee Name _____ **Issuing State** _____ **National Registry Number** _____

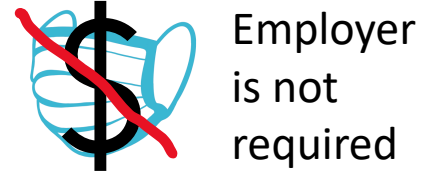
Employee's Signature _____

Employee's name _____ I acknowledge my responsibility under 29 CFR 1910 subpart U to wear a 2-layer face covering as outlined above. Further, that I am responsible to ensure that the face covering is worn to cover both my nose and mouth. And, that I will ensure that the face covering will be replaced when it becomes wet, soiled, or damaged in any way.

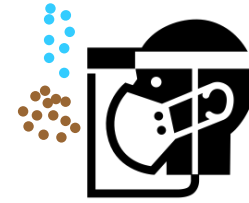
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(i) Face coverings

(3) Employer must not prevent an employee from voluntarily wearing a face covering or facemask unless the employer can demonstrate harm.....



Employer is not required



Face shields may be worn over face coverings to protect them

(4) Employers must permit an employee to wear a respirator instead of face covering whether required or not. If employer requires use, the employer must comply with 29 CFR 1910.504.

(5) Employers must not prohibit customers and visitors from wearing face coverings.

(j) Information provided to employees

The employer must provide to each employee in the language and literacy level the employee understands the following information....



- (1) Provide EE with requirements of [29 CFR 1926.58](#) along with the employer Policies and Procedures related to ETS.
- (2) Provide EE with CDC “[Key things to know about COVID-19 vaccines](#)”.
- (3) Provide EE with information about protection from retaliation for filing a complaint, reporting a work-related I/I, or otherwise exercising rights under OSHA Act of 1970 (e.g. [1904.35\(b\)\(1\(iv\)\)](#) and [11\(c\) of OSH Act of 1970](#)).
- (4) Provide EE OSHA publication no. [OSHA4157](#).

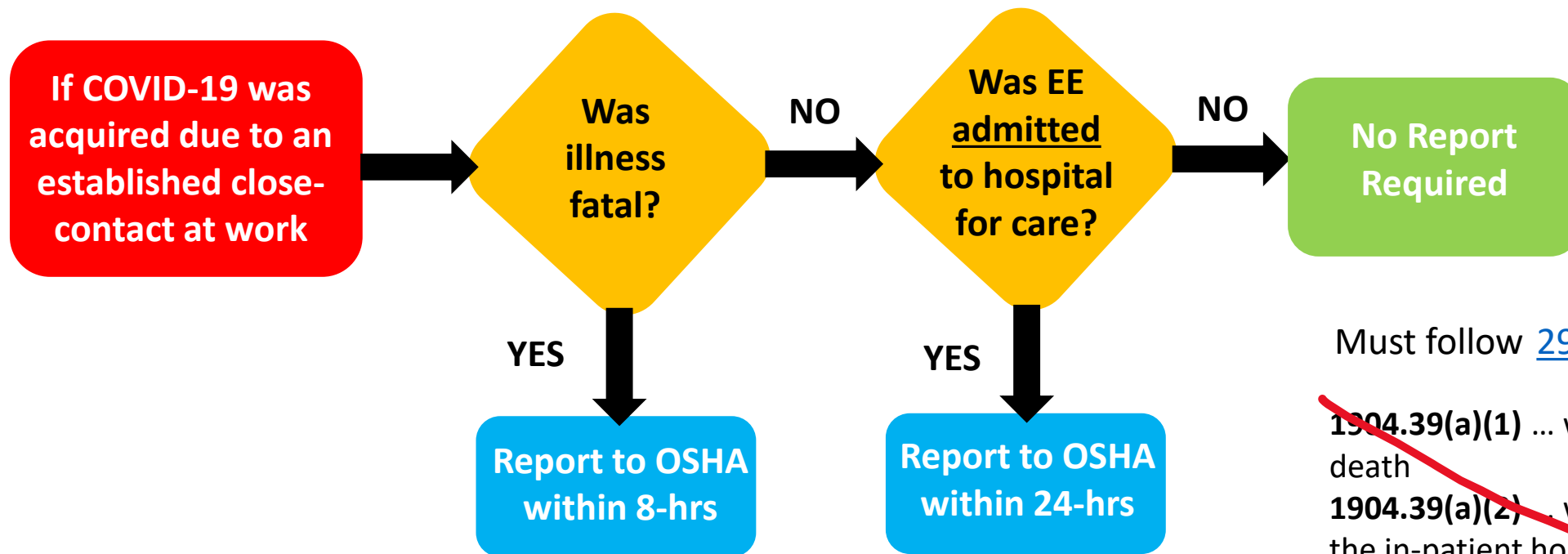
requirements in paragraphs (e)-(j) of this standard, including: requirements for COVID-19 vaccination; applicable exclusions from the written policy (e.g., medical contraindications, medical necessity requiring delay in vaccination, or reasonable accommodations for workers with disabilities or sincerely held religious beliefs); information on determining an employee's vaccination status and how this information will be collected (as described in paragraph (e)); paid time and sick leave for vaccination purposes (as described in paragraph (f)); notification of positive COVID-19 tests and removal of COVID-19 positive employees from the workplace (as described in paragraph (h)); information to be provided to employees (pursuant to paragraph (j) – e.g., how the employer is making that information available to employees); and disciplinary action for employees who do not abide by the policy. In addition to addressing the requirements of paragraphs (e)-(j) of this standard, the employer should include all relevant information regarding the policy's effective date, who the policy applies to, deadlines (e.g., for submitting vaccination information, for getting vaccinated), and procedures for compliance and enforcement, all of which are necessary components of an effective plan.

How is an employer supposed to enforce work rules such as face coverings utilization?

(k) Reporting COVID-19 FATCAT to OSHA

(1)(i) COVID-19 fatality refer flow chart

(1)(ii) COVID-19 in-patient hospitalization refer flow chart



...Of LEARNING about Fatality or Hospitalization

Must follow [29 CFR 1904.39](#)

~~1904.39(a)(1) ... within 8-hrs after death
1904.39(a)(2) ... within 24-hrs after the in-patient hospitalization
1904.39(b)(6) ... occurs within 30 days~~

(k) Reporting COVID-19 FATCAT to OSHA



May 19, 2020



Because of the difficulty with determining work-relatedness, OSHA is exercising enforcement discretion to assess employers' efforts in making work-related determinations.

In determining whether an employer has complied with this obligation and made a reasonable determination of work-relatedness, CSHOs should apply the following considerations:

- *The reasonableness of the employer's investigation into work-relatedness.* Employers, especially small employers, should not be expected to undertake extensive medical inquiries, given employee privacy concerns and most employers' lack of expertise in this area. It is sufficient in most circumstances for the employer, when it learns of an employee's COVID-19 illness, (1) to ask the employee how he believes he contracted the COVID-19 illness; (2) while respecting employee privacy, discuss with the employee his work and out-of-work activities that may have led to the COVID-19 illness; and (3) review the employee's work environment for potential SARS-CoV-2 exposure. The review in (3) should be informed by any other instances of workers in that environment contracting COVID-19 illness.
- *The evidence available to the employer.* The evidence that a COVID-19 illness was work-related should be considered based on the information reasonably available to the employer at the time it made its work-relatedness determination. If the employer later learns more information related to an employee's COVID-19 illness, then that information should be taken into account as well in determining whether an employer made a reasonable work-relatedness determination.
- *The evidence that a COVID-19 illness was contracted at work.* CSHOs should take into account all reasonably available evidence, in the manner described above, to determine whether an employer has complied with its recording obligation. This cannot be reduced to a ready formula, but certain types of evidence may weigh in favor of or against work-relatedness. For instance:
 - COVID-19 illnesses are likely work-related when several cases develop among workers who work closely together and there is no alternative explanation.
 - An employee's COVID-19 illness is likely work-related if it is contracted shortly after lengthy, close exposure to a particular customer or coworker who has a confirmed case of COVID-19 and there is no alternative explanation.
 - An employee's COVID-19 illness is likely work-related if his job duties include having frequent, close exposure to the general public in a locality with ongoing community transmission and there is no alternative explanation.
 - An employee's COVID-19 illness is likely not work-related if she is the only worker to contract COVID-19 in her vicinity and her job duties do not include having frequent contact with the general public, regardless of the rate of community spread.
 - An employee's COVID-19 illness is likely not work-related if he, outside the workplace, closely and frequently associates with someone (e.g., a family member, significant other, or close friend) who (1) has COVID-19; (2) is not a coworker, and (3) exposes the employee during the period in which the individual is likely infectious.
 - CSHOs should give due weight to any evidence of causation, pertaining to the employee illness, at issue provided by medical providers, public health authorities, or the employee herself.

If, after the reasonable and good faith inquiry described above, the employer cannot determine whether it is more likely than not that exposure in the workplace played a causal role with respect to a particular case of COVID-19, the employer does not need to record that COVID-19 illness. In all events, it is important as a matter of worker health and safety, as well as public health, for an employer to examine COVID-19 cases among workers and respond appropriately to protect workers, regardless of whether a case is ultimately determined to be work-related.



(I) Availability of records

Free¹Copy

(1) Provide COVID-19 vaccination documentation and any COVID-19 test results **for a particular employee to that employee and to anyone having written authorized consent of that employee** by the end of the next business day after receiving a request.

(2) Provide the aggregate number of employees and total number of fully vaccinated employees **at a workplace to an employee or employee representative** by the end of the next business day after receiving a request.

Note: (I)(1) For purposes of the ETS, the term employee includes former employee

Note: (I)(2) For purposes of the ETS, the term representative is a personal representative, or representative authorized under a CBA.

(I) Availability of records

The employer must provide to OSHA with the following:


(3)(i) employers must provide the written policy on vaccination or vaccination, testing, and face coverings AND the aggregate number of fully vaccinated employees at a workplace and the total number of employees at that workplace for examination and copying within.




4 hours

(m) Dates

 Effective date

 Compliance date – all ETS provisions except testing

 Compliance date - testing


November 2021							December 2021							January 2022						
MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT	SUN
1	2	3	4		6	7			1	2	3	4							1	2
8	9	10	11	12	13	14	6	7	8	9	10	11	12	3	4		6	7	8	9
15	16	17	18	19	20	21	13	14	15	16	17	18	19	10	11	12	13	14	15	16
22	23	24	25	26	27	28	20	21	22	23	24	25	26	17	18	19	20	21	22	23
29	30						27	28	29	30	31			24	25	26	27	28	29	30
														31						

29 CFR 1910.505 Mini Respiratory Protection Program

EMERGENCY TEMPORARY STANDARD

FACT SHEET

Mini Respiratory Protection Program



What is the mini respiratory protection program?
 The mini respiratory protection program (29 CFR 1910.504) is one part of the OSHA COVID-19 Healthcare Emergency Temporary Standard (ETS). It applies only to specific circumstances specified under the ETS, generally when workers are not exposed to suspected or confirmed sources of COVID-19 but where respirator use could offer enhanced worker protection. The mini respiratory protection program does not replace or substitute for OSHA's normal Respiratory Protection standard (29 CFR 1910.134), which applies to:

- Circumstances under the ETS when workers are exposed to suspected or confirmed sources of COVID-19.
- Any other workplace hazards that might require respiratory protection (e.g., silica, asbestos, airborne infectious agents such as *Mycobacterium tuberculosis*).

Why is the mini respiratory protection program needed as part of the ETS?
 The ETS addresses an emergency health crisis and the mini respiratory protection program is designed to improve worker protections with limited provisions for the safe use of respirators that can be implemented more quickly and easily than the more comprehensive respiratory protection program required by the Respiratory Protection standard (e.g., medical evaluation, fit testing) (Table 1).

Table 1. Key requirements of the mini respiratory protection program vs. the respiratory protection standard

KEY PROGRAM ELEMENT ¹	MINI RPP ² (1910.504)	NORMAL RPP ³ (1910.134)
Medical Evaluation		✓
Fit Testing		✓
Written Program		✓
User Seal Checks	✓	✓
Training	✓	✓

¹ This is not a comprehensive list of required program elements.
² These are key requirements pertaining to employer-provided respirators (as opposed to worker-provided respirators).
³ For additional information about the Respiratory Protection standard's requirements, see: NIOSH/OSHA's "Hospital Respiratory Protection Program Toolkit Resources for Respirator Program Administrators" at: www.osha.gov/sites/default/files/publications/OSHA3762.pdf

When must employers comply with the normal Respiratory Protection standard instead of the mini respiratory protection program?
 The mini respiratory protection program only applies to respirator use covered by **specific** provisions of the ETS (Table 2). The normal Respiratory Protection standard is applicable to other respirator use required under the ETS and to hazards not covered by the ETS for which respiratory protection is required.

Table 2. Applicability of the mini respiratory protection program vs. the Respiratory Protection standard

COVID-19 ETS PROVISION	MINI RPP (1910.504)	NORMAL RPP (1910.134)
1910.502(f)(2) – for exposure to person with suspected/confirmed COVID-19		✓
1910.502(f)(3) – for AGP ¹ on person with suspected/confirmed COVID-19		✓
1910.502(f)(4) – in place of facemask when respirator is not required	✓	
1910.502(f)(5) – for Standard and Transmission-Based Precautions		✓

¹ AGP = aerosol-generating procedure (as defined by 1910.502)

What do employers need to do when workers provide their own respirators?
 The employer must provide workers with a specific notice contained in 1910.504(c). The notice is intended to inform workers to take certain precautions to be sure that the respirator itself does not present a hazard.

What do employers need to do when they provide respirators to workers?

- Provide specific training (e.g., how to inspect/put on/remove/use a respirator; how to conduct a user seal check; how to store/maintain/inspect a respirator).
- Ensure that user seal checks are conducted for tight-fitting respirators and that workers correct any problems discovered during a user seal check.
- Ensure that if respirators are reused, they are reused properly.
- Ensure the discontinuation of respirator use under certain conditions.

What is a user seal check?
 A user seal check is a quick and easy way for workers to verify that they have put on their respirators correctly and that the respirators are properly seated to the face. User seal checks are not a substitute for fit testing, but they can improve the effectiveness of a respirator even when the respirator has not been fit tested. For additional information on user seal checks, see OSHA's training video at www.osha.gov/respiratory-protection/training and CDC's fact sheet at www.cdc.gov/niosh/docs/2018-130/pdfs/2018-130.pdf.

How can I learn more about the COVID-19 ETS?
 Visit OSHA's COVID-19 rulemaking webpage at www.osha.gov/coronavirus/ets.

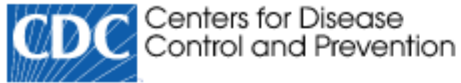
This Fact Sheet is intended to provide information about the COVID-19 Emergency Temporary Standard. The Occupational Safety and Health Act requires employers to comply with safety and health standards promulgated by OSHA or by a state with an OSHA-approved state plan. However, this Fact Sheet is not itself a standard or regulation, and it creates no new legal obligations.

OSHA 15-4211 06 2021

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29 CFR 1910.509 Incorporated by Reference

The Wayback Machine - <https://web.archive.org/web/20210225202835/https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-si...>



COVID-19

ACT NOW!

WEAR A MASK STAY 6 FEET APART AVOID CROWDS

Isolate If You Are Sick

Separate yourself from others if you have COVID-19

Updated Feb. 18, 2021

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Economic Impact per Entity

NAICS	Description	Policy \$	Vax admin \$	Wages for Vax \$	R-keep for vax docs \$	R-keep for test docs \$	FAT CAT reporting \$	Total \$
236	Buildings	608	4536	942	1615	847	11	8559
237	Heavy and Civil	629	6678	1386	2462	1292	17	12466
238	Specialty	547	4219	867	1535	805	10	7982

Table IV.B.5 summarizes the set of entities covered by the ETS. OSHA estimates a total of approximately 263,879 entities and approximately 1.9 million establishments incur costs under the ETS.²⁸

Table IV.B.5. Summary of Covered Entities and Employees, COVID-19 ETS

NAICS	NAICS Description	Entities with 100+ Employees			
		Entities	Establishments	Total Employees	Covered Employees ¹¹
0	Total	263,879	1,858,935	102,673,913	84,194,885
111	Crop Production	33,096	74,655	5,822,469	5,311,538
112	Animal Production and Aquaculture	16,985	38,314	2,988,147	2,725,932
113	Forestry and Logging	53	198	5,938	5,368
114	Fishing, Hunting and Trapping	8	21	972	887
115	Support Activities for Agriculture and Forestry	256	714	45,473	42,628
211	Oil and Gas Extraction	259	1,339	81,544	54,323
213	Support Activities for Mining	548	2,874	206,796	177,099
221	Utilities	842	13,136	594,213	457,268
236	Construction of Buildings	1,562	3,968	377,761	296,975
237	Heavy and Civil Engineering Construction	1,693	4,135	602,769	518,130
238	Specialty Trade Contractors	5,465	11,908	1,317,912	1,106,486

OSHA Resource Information

