

OSHA Revises Inspection Procedures as Businesses Reopen

During the coronavirus pandemic, OSHA has been prioritizing inspections related to COVID-19 in high risk workplaces where employees work directly with, or have a high likelihood to work with, COVID-19 patients. OSHA has now adopted revised policies for enforcing OSHA requirements as states begin reopening their economies. There are 2 basic changes to their enforcement policies to ensure employers are taking action to protect their employees.

First, OSHA is increasing in-person inspections at ALL types of workplaces. This is due in part to many non-critical businesses beginning to reopen in areas of lower community spread. OSHA will continue to prioritize inspections based on workplace risk levels:

High Risk - High and very high exposure risk jobs are those with high potential for exposure to known or suspected sources of COVID-19. Workplaces considered to have job duties with high risk of exposure to COVID-19 include, but are not limited to, hospitals treating suspected and/or confirmed COVID-19 patients, nursing homes, emergency medical centers, emergency response facilities, settings where home care or hospice care are provided, settings that handle human remains, biomedical laboratories, including clinical laboratories and medical transport.

Medium Risk - Medium exposure risk jobs include those with frequent and/or close contact with (i.e., within 6 feet of) people who may be infected, **but who are not known or suspected COVID-19 patients**. In areas where there is ongoing community transmission, workers in this category include, but are not limited to, those who have frequent and/or close contact with the general public or coworkers.

Low Risk - Lower exposure risk jobs are those that do not require contact with people known to be, or suspected of being, infected with COVID-19, nor frequent close contact with (i.e., within 6 feet of) the general public. Workers in this category have minimal occupational contact with the public and other coworkers.

Inspection Priorities

Fatalities or Imminent Danger Situations – Onsite inspection regardless of risk level.

Formal Complaints (employee) – For high risk workplaces, OSHA will notify employer and, where possible, perform onsite inspection. For medium and low risk workplaces, OSHA might perform onsite or will notify the employer by phone and follow up with phone, fax, email or letter of investigation of complaint. Failure to respond to complaint will result in an onsite inspection.

Non-formal Complaints/Referrals (general public) – Cases related to COVID-19 exposures will be investigated using phone/fax processing to expedite employers' attention to alleged hazards.

NOTE: Observe reopening guidelines to prevent non-formal complaints/referrals.

Second, OSHA is revising its enforcement policy for recording cases of coronavirus. Under OSHA recordkeeping requirements, coronavirus is a recordable illness, and employers are responsible for recording cases of the coronavirus, if the case:

- Is a confirmed coronavirus illness
- Is work-related as defined by 29 CFR 1904.5; and
- Involves medical treatment beyond first aid and/or days away from work.

Since it is difficult to determine if a coronavirus illness is work-related, employers must make reasonable efforts, based on the evidence available to the employer, to determine whether a specific case of coronavirus is work-related.

Recording a coronavirus case does not mean that an employer has violated any OSHA standard. Those employers with 10 or less employees, and those low hazard industries not subject to recording an OSHA 300, only need to report work-related coronavirus illnesses that result in a fatality, an in-patient hospitalization, amputation or loss of an eye.

For further information and resources about the coronavirus disease, please visit OSHA's coronavirus webpage: <https://www.osha.gov/SLTC/covid-19/>

If you have questions regarding the provided information or need additional assistance, please contact First Benefits' Loss Control Department at losscontrol@firstbenefits.org