

Temporary Oregon rule addressing the COVID-19 emergency in employer-provided housing and in labor-intensive agricultural operations

Summary of Key Provisions

Oregon OSHA, April 28, 2020

The rule takes effect May 11, 2020. It temporarily replaces the current rule addressing Field Sanitation in Agriculture and the rules governing Employer-Provided Housing (in agriculture and in all other industries). It also provides new requirements related to COVID-19 mitigation in employer-provided vehicles.

Field Sanitation

- Requires employers to appoint one or more “social distancing officers” and to plan and implement work practices in order to ensure appropriate social distancing (at least 6’ separation) during work activities, breaks, and meal periods.
- Effective June 1, 2020, increases toilet availability by decreasing the ratio of both toilet and handwashing facilities in the field from the current 1 per 20 workers to 1 per 10 workers. Requires employers who can demonstrate that market availability prevents immediate compliance to provide as many toilet and handwashing facilities as possible until the ratio is achieved.
- In addition to the existing requirement that toilet and handwashing facilities be within ¼ mile of the workers, requires toilets to be located at the entrance or exit to the field or in a completely harvested area, whichever is closer.
- Requires toilets and handwashing facilities to be sanitized at least three times daily.
- Revises the field sanitation notice and training requirements to include prevention of COVID-19.

Labor Housing

- In relation to registered Agricultural Labor Housing operations, provides additional guidance regarding registration of temporary housing and the use of existing hotel or motel facilities.
- Requires employers to appoint one or more “social distancing officers” and to plan and implement housing operations in order to ensure appropriate social distancing (at least 6’ separation) between unrelated individuals.
- Effective June 1, 2020, requires additional toilets by reducing the ratio from 1 toilet for every 15 workers to 1 toilet for every 10 workers. Requires employers who can demonstrate that market availability prevents immediate compliance to provide as many toilet facilities as possible until the ratio is achieved.
- Prohibits use of bunk beds by unrelated individuals.
- Does not change square footage requirements, but requires that beds be separated by at least six feet or by an impermeable barrier.
- Requires common use toilets and handwashing facilities and other high contact common use items to be sanitized at least two times daily, and requires that the employer provide appropriate cleaning materials to enable occupants to keep private living areas clean and sanitary.
- Notes that COVID-19 requires immediate (day or night) reporting under existing OHA rules.
- Includes provisions related to the isolation of COVID-19 confirmed or suspected cases, including the requirement that the employer ensure food and water is provided to those in isolation.

Transportation

- Requires at least 3 feet social distancing be maintained during travel in employer-provided vehicles.
- Requires that facial coverings be worn by passengers and by the driver in employer-provided vehicles.
- Requires high-contact areas in employer-provided vehicles be sanitized before each trip or at least two times daily if in continuous use.
- Requires that the employer provide training to employees about the need to ensure appropriate social distancing when in their personal vehicles.