Coronavirus Impacts the Construction Industry

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PRESENTED BY:

Jonathan Vick, Partner
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CAL/OSHA GUIDANCE
Cal/OSHA Agenda

- LA City Department of Building & Safety Guidance
- Symptom Checking
  - Questionnaire
  - Measuring Temperatures
  - Injury and Illness Prevention Program (Section 3203)
- Respirators and Cloth Face Masks
- OSHA 300 and Recording Injuries
LADBS Safety Guidance For Construction Sites

• March 31, 2020 LADBS issued the “COVID-19 SAFETY GUIDANCE FOR CONSTRUCTION SITES.”

• These Guidelines are effective immediately.

• Guidance is based on CDC “Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease (COVID-19)” and OSHA Guidance on Preparing Workplaces for COVID-19.
  – Cal/OSHA Interim Guidelines for General Industry on 2019 Novel Coronavirus Disease (COVID-19)

WHY were these issued?
LA-Area Construction Workers Remain on the Job, Potentially Spreading COVID-19
nbclosangeles.com
LADBS Safety Guidance For Construction Sites

• Construction industry employers shall develop a comprehensive COVID-19 exposure control plan which includes control measures such as social distancing; symptom check; hygiene, decontamination procedures, and training.

• Purpose: the exposure control plan and following practices must be followed to prevent onsite workers from contracting COVID-19 since many people with COVID-19 are asymptomatic and can potentially spread the disease unknowingly.

• FAILURE TO COMPLY CAN RESULT IN THE FOLLOWING:
  – WITHHELD INSPECTIONS
  – SHUTTING DOWN CONSTRUCTION UNTIL CORRECTED
LADBS Safety Guidance For Construction Sites

• LADBS staff will verify compliance with these guidelines as follows:
  – During regularly scheduled inspections for projects under construction
  – As result of complaints
Exposure Control Plan Should Include the Following:

- Practice social distancing by maintaining a minimum 6-foot distance from others.
- Preclude gatherings of any size, and anytime two or more people must meet, ensure minimum 6-foot separation.
- Provide personal protective equipment (PPE) such as gloves, goggles, face shields and face masks as appropriate for the activity being performed.
- The owner/contractor shall designate a site specific COVID-19 Supervisor to enforce this guidance. A designated COVID-19 Supervisor shall be present on the construction site at all times during construction activities. The COVID-19 Supervisor can be an on-site worker who is designated to carry this role.
Exposure Control Plan Should Include the Following:

- Identify “choke points” and “high-risk areas” where workers are forced to stand together, such as hallways, hoists, and elevators, break areas, and buses and control them so social distancing is maintained.
- Minimize interactions when picking up or delivering equipment or materials, ensure minimum 6-foot separation.
- Stagger the trades as necessary to reduce density and maintain minimum 6-foot separation social distancing.
- Discourage workers from using other workers’ phones, desks, offices, work tools and equipment. If necessary, clean and disinfect them before and after use.
Exposure Control Plan Should Include the Following:

- **Post**, in areas visible to all worker, required hygiene practices including not touching face with unwashed hands or with gloves; washing hands often with soap and water for at least 20 seconds; use of hand sanitizer with at least 60% alcohol, cleaning AND disinfecting frequently touched objects and surfaces such as workstations, keyboards, telephones, handrails, machines, shared tools, elevator control buttons, and doorknobs; covering the mouth and nose when coughing or sneezing as well as other hygienic recommendations by the CDC.

- Place wash stations or hand sanitizers in multiple locations to encourage hand hygiene.

- Require anyone on the project to stay home if they are sick, except to get medical care.
Exposure Control Plan Should Include the Following:

- Have employees inform their supervisor if they have a sick family member at home with COVID-19.
- Maintain a daily attendance log of all workers and visitors.
Symptom Checking

• Many projects have instituted a “gate check” for wellness which includes:
  – Health Questionnaire
  – Measuring Temperatures
Can they do that?
Is there any regulatory guidance?
Measuring Temperatures & Health Questionnaires

• Every employer must update their IIPP for new hazards in the workplace (i.e. coronavirus) and new procedures (i.e. taking temperatures). In summary you need to:
  – Implement measures to prevent or reduce infection hazards, such as implementing the CDC recommended actions identified in the LADBS Guidelines, and
  – Provide training to employees on their coronavirus infection prevention methods including the use of Personal Protective Equipment.
  – Enforce policies and inspect to ensure policies are being followed
  – Put it in writing
Measuring Temperatures

• The EEOC and DFEH have issued recent guidance allowing employers to take an employee’s temperature before starting work as an initial screening. The LADBS Guidelines make symptom checking mandatory.

• Cal/OSHA does not have any specific regulation for taking an employee’s temperature and most employers do not take temperatures so this is a new “process” or “procedure” being introduced into the workplace. There are several safety orders which may apply. We contacted DOSH to discuss suggested practices as we are in a “gray” area for regulations.

• The Aerosol Transmissible Diseases Standard (ATD) probably does not apply to the construction and non-healthcare industries because the occupational exposure is no higher than exposure for employees working in public contact operations such as retail clerks and bus drivers. Of course, this is a case by case analysis.
Measuring Temperatures

- Use some type of administrative control (short health assessment form) as the checklist of questions above asking the employee about symptoms. On March 22, 2020 the DFEH released an update stating an employer can ask if an employee has been experiencing COVID-19 symptoms, such as fever or chills and a cough or sore throat.

- Sample questions such as has (1) traveled outside of the country in the last 14 days, (2) are they experiencing serious respiratory symptoms and (3) have you been in close contact with someone diagnosed with COVID-19?

- **Note:** The employer must maintain all information about employee illness as a confidential medical record and comply with HIPPA requirements and the California Consumer Privacy Act (CCPA).
Measuring Temperatures

• Consider some form of *engineering controls* such as erecting a plastic barrier which would allow the “screener” taking the temperature to have a barrier between the screener and worker to cut-down on airborne transmission.

• Provide the screener with personal protective equipment such as gloves, face shield, and a N95 respirator (though not mandated). For voluntary use of filtering facepiece-type respirators provide employees with Section 5144, Appendix D, (Mandatory) *Information for Employees Using Respirators When Not Required Under the Standard*.

• Provide training to the “screeners” on the process how to safely perform the screening. The employer will use a non-contact thermometer to take the temperature and no employee with a fever in excess of 100.3 Fahrenheit will be able to access the site.
Interim Guidance for General Industry

- Actively encourage sick employees to stay home
- Send employees with acute respiratory symptoms home and isolate from employees at worksite
Interim Guidance for General Industry

• Providing information and training to employees on:
  – Cough and sneeze etiquette
  – Hand hygiene
  – Avoiding close contact with sick persons
  – Avoiding touching eyes, nose, and mouth with unwashed hands
  – Avoiding sharing personal items with co-workers (i.e. dishes, cups, utensils, towels, etc.)
  – Providing tissues, no-touch disposal trash cans and hand sanitizer

• Performing routine environmental cleaning of shared workplace equipment and furniture (disinfection beyond routine cleaning is not recommended)
Interim Guidance for General Industry

• CDC Guidelines also contain recommendations for creating an infectious disease outbreak response plan to be followed. These include:
  – Allowing flexible worksites, telecommuting and flexible work hours to increase physical distance among employees
  – Using other methods of minimizing exposure between employees, and between employees at work and the public
  – Postponing or canceling large work-related meetings or events

There are a number of the regulations which may apply depending on your industry/sector:

- Aerosol Transmissible Disease (Section 5199)
- Injury and Illness Prevention Program (Section 3203)
- Washing Facilities (Sections 1527, 3366, 3457 and 8387.4)
- Personal Protective Equipment (Section 3380)
- Control of Harmful Substances (Section 5141)
- Respiratory Protection (Section 5144)
A Note About Respirators.....

Respiratory Protection in the Workplace
A Practical Guide for Small-Business Employers
California Public Health Officials Release Guidance on Use of Cloth Face Coverings

• The guidance does not require people to wear face coverings – and is not a substitute for the state’s current guidance regarding social distancing and hand washing

• The state also does not recommend Californians use N-95 or surgical masks, which are needed for our health care workers and first responders who will be there for when our lives at risk.

• Wearing a cloth face covering could provide some additional benefit by acting as a reminder for other people to keep their distance, and it could help reduce the spread of infectious particles from those who could be infected but don’t have symptoms.
California Public Health Officials Release Guidance on Use of Cloth Face Coverings

• The use of cloth face coverings could reduce the transmission of COVID-19 by individuals who do not have symptoms and may reinforce physical distancing.

• Public health officials also caution that face coverings may increase risk if users reduce their use of strong defenses such as physical distancing and frequent hand washing.
Riverside County

• Riverside County health officials are ordering everyone to wear a face covering when leaving home, including essential workers.

• The face coverings do not have to be hospital grade but need to cover the nose and mouth. For example, bandanas, fabric masks and neck gaiters are acceptable. Fabric covers and bandanas can be washed and used again.

• Residents should not purchase N95 or surgical masks, as these limited resources are needed for the healthcare community and first responders.
Los Angeles Mayor Eric Garcetti is calling on all City's residents to start covering their face while out in public as part of an effort to combat the spread of the Coronavirus. This decision was guided by data showing that many of those infected with the virus are asymptomatic. It is recommended that everyone use cloth face coverings or masks in addition to physical distancing for essential activities.

It is also advisable not to use surgical or N95 masks, as those should be reserved for first responders and medical workers caring for those inflicted with the virus.
OSHA 300 Recording

- Covered employers must record each fatality, injury or illness that is:
  - work-related, and
  - a new case, and
  - meets one or more of the general (i.e., 14300.7) or specific (14300.8 - 14300.12) recording criteria
Guidance From Fed/OSHA

• Federal OSHA has specifically provided an update on the recording of a confirmed COVID-19 case:

  • “COVID-19 can be a recordable illness if a worker is infected as a result of performing their work-related duties. However, employers are only responsible for recording cases of COVID-19 if all of the following are met:

  • The case is a confirmed case of COVID-19 (see CDC information on persons under investigation and presumptive positive and laboratory-confirmed cases of COVID-19);

  • The case is work-related, as defined by 29 CFR 1904.5; and

  • The case involves one or more of the general recording criteria set forth in 29 CFR 1904.7 (e.g. medical treatment beyond first-aid, days away from work).”
What Do We Do in California?

• We wait for the moment….

• The National Association of Homebuilders sent a letter to Fed/OSHA requesting that Fed/OSHA treat the COVID-19 cases like the “flu” so they would not be “recordable.”

• Industry trade groups are reaching out to determine if DOSH will follow the Fed/OSHA’s lead in this guidance.

• Cal/OSHA has promised guidance in the near future.
  
  • Stay tuned for updates on recording COVID-19 cases…
Thank You

For questions or comments, please contact:

Jonathan Vick
(562) 653-3200