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## MEMORANDUM

April 27, 2020

### BY ELECTRONIC MAIL

FROM: Olsson Frank Weeda Terman Matz PC

RE: CDC and OSHA Interim Guidance: Meat and Poultry Processing Workers and Employers

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On April 26, 2020, the Center for Disease Control and Prevention (CDC) and the Occupational Safety and Health Administration (OSHA) published [Interim Guidance: Meat and Poultry Processing Workers and Employers](#) (the Guidance Document). The Guidance Document provides recommendations for meat and poultry processing plants to establish or improve their COVID-19 assessment and control plans to continue operations during the pandemic.

In addition to adopting the recommendations provided in the Guidance Document, CDC and OSHA recommend that all meat and poultry processing facilities that are continuing operations during the pandemic: (1) work directly with state and local public health officials and occupational safety and health professionals; (2) incorporate relevant aspects of CDC guidance, including [CDC's guidance on critical infrastructure workers](#); and (3) incorporate guidance from other authoritative sources and regulatory bodies as needed.

Several of the recommendations in the Guidance Document are similar to those contained in a [memorandum](#) CDC provided the South Dakota Department of Health regarding strategies to reduce the spread of COVID-19 in a packing plant. This memorandum provides additional recommendations that were not addressed in the memorandum to the South Dakota Department of Health. We have summarized the contents of the Guidance Document below.

### **Qualified Workplace Coordinator**

The Guidance Document recommends that establishments identify a qualified workplace coordinator that will be responsible for COVID-19 assessment and control planning. Employees

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and other individuals entering the plant (e.g., inspectors, contractors) should know who the individual is and know how to contact the workplace coordinator with any COVID-19 concerns. The Guidance Document also recommends that establishment management should reach out to state and local public health officials and occupational safety and health professionals to establish ongoing communications and ensure the establishment has the most relevant and up-to-date information concerning COVID-19.

The Guidance Document also recommends the workplace coordinator and management conduct worksite assessments to identify COVID-19 risk and prevention strategies. In particular, the Guidance Document recommends that establishments consider the appropriate role for testing and workplace contact tracing (identifying person-to-person spread) of COVID-19 positive workers in a worksite assessment [using CDC guidance](#).

### **Engineering Controls**

The Guidance Document recommends configuring communal work environments such that workers are spaced at least six feet apart, if possible. This could be achieved by modifying the alignment of work stations, including processing lines, so that workers are not directly facing each other and are at least six feet apart from other workers in all directions. The Guidance Document also recommends installing physical barriers, such as plexiglass or strip curtains, between workers.

To improve ventilation, the Guidance Document recommends establishments consult with a HVAC engineer to see if improvements can be made. The Guidance Document also recommends that fans in the establishment should be adjusted if they cause air to blow from one worker to another. Personal cooling fans should be removed to prevent the spread of airborne viruses.

Other engineering controls suggested by the Guidance Document include:

- Place handwashing stations or hand sanitizer dispensers in multiple locations. Touch-free options are best;
- Add additional clock-in/clock-out stations to reduce crowding. Consider touch-free options or stagger times for workers to clock-in/clock-out; and
- Remove or rearrange chairs and add plexiglass barriers in break rooms and other areas where employees congregate.

### **Administrative Controls**

The Guidance Document recommends several administrative controls to control the spread of COVID-19. These include:

- Promote social distancing:
  - Encourage single-file movement with six-foot spacing between workers in the plant;
  - Designate workers to monitor and facilitate distancing on processing floor lines;

- Stagger break times and provide temporary break room and restroom locations;
  - Stagger arrival and departure times to avoid congregating workers in parking areas, locker rooms, and time clocks;
  - Provide visual cues, such as floor markings, to promote social distancing;
  - Encourage workers to avoid carpooling to and from work, if possible. If workers must carpool or use company shuttles, take steps to limit the number of people in a vehicle, promote use of face coverings, and frequently disinfect shared vehicles.
- If possible, establish separate shifts to spread production over the course of the day and reduce the number of employees present at a given time;
  - Monitor and respond to absenteeism. Also, review leave and incentive policies to make sure that:
    - Ill workers understand they should not be in the workplace if they are sick;
    - Employees are not penalized for taking sick leave; and
    - Flexibility is provided (e.g., giving advances on future sick leave, allowing employees to donate sick leave).
  - Consider “cohorting” workers so that they work the same shifts with the same employees. This reduces the number of individuals an employee comes into close contact with and can reduce the number of people that need to be quarantined.
  - Establish a system for employees to alert their supervisor if they are experiencing symptoms of COVID-19 or had close contact with an infected person.
  - Provide access to hand washing or hand sanitizer stations and remind employees to avoid touching their face.

### **Cloth Face Coverings**

The Guidance Document recommends that, where appropriate, meat and poultry workers supplement social distancing with cloth face coverings or disposable alternatives. Employers should provide readily available replacement masks for workers to use when their masks become wet or dirty.

### **Education and Training**

The Guidance Document recommends supplementing normal and required job training with additional training about recognizing the symptoms of COVID-19 and reducing its spread. The training should address how to implement the prevention and control measures that the establishment has implemented.

The Guidance Document recommends that the training be provided in the language used by the employee, if possible, and at the employee's literacy level. This training should be reinforced through signage displayed in the workplace. The training should include information on:

- The signs and symptoms of COVID-19, how it spreads, the risk for workplace exposure, and how employees can protect themselves;
- Proper handwashing practices and use of hand sanitizer stations;
- Cough and sneeze etiquette; and
- Other routine infection control precautions (e.g., donning and doffing face coverings, social distancing measures).

OSHA is exercising [enforcement discretion](#) with respect to training requirements in light of the pandemic. Inspectors have been instructed to evaluate whether an employer made a good faith effort to comply with applicable OSHA standards and, in situations where compliance was not possible, to ensure that employees were not exposed to hazards from tasks, processes, or equipment for which they were not prepared or trained.

### **Cleaning and Disinfection**

The Guidance Document recommends the following with respect to cleaning and disinfection:

- Ensure tools are regularly cleaned and disinfected, including at least as often as workers change workstations or move to a new set of tools;
- Increase the frequency of sanitation in work or common spaces. Focus on disinfecting frequently touched surfaces in workspaces and break rooms at least once per shift. Examples include microwave or refrigerator handles, push bars, door handles, and handrails.; and
- Consider providing sanitation workers additional PPE.

### **Screening Workers**

The Guidance Document suggests establishing a comprehensive system for screening and monitoring employees and others that enter the building. This includes:

- Screening workers through verbal questionnaires on symptoms (e.g., fever, chills, coughing, difficulty breathing) and temperature measurements. Employees should not be admitted if they have a temperature over 100.4°F or if they respond that they have symptoms of COVID-19;
- Screening technology should be calibrated and screeners should be provided appropriate PPE (e.g., gloves, gown, face shield, N95 face mask); and
- Screening stations should be designed to accommodate social distancing and avoid crowding.

### **Managing Sick Employees**

The Guidance Document recommends the following protocol for managing employees that arrive sick or show symptoms while on the job:

- Workers exhibiting symptoms should immediately be separated from other workers;
- Personnel that need to be within 6 feet of the sick employee should wear appropriate PPE (e.g., gloves, gown, face shield, N95 face mask);
- If a worker is confirmed to have COVID-19, employers should notify anyone they have come into contact with (e.g., workers, inspectors, graders) of their potential exposure, but should maintain confidentiality as to the identity of the worker. The employer should instruct fellow workers on how to proceed based on the [CDC Public Health Recommendations for Community-Related Exposure](#);
- The worker's work station as well as any tools handled by the sick employee should be cleaned and disinfected; and
- Employers should work with state/local authorities to facilitate the identification of other exposed or potentially exposed individuals.

### **Addressing Return to Work**

The Guidance Document provides recommendations for allowing employees who have remained asymptomatic or have recovered from COVID-19 to return to the workplace. Employers should prioritize workers that are critical to keeping the establishment's work going and consider cross-training workers to ensure that tasks can continue if a critical employee is sick. Other recommendations include:

- Workers who have been exposed to COVID-19 but remain asymptomatic should adhere to the recommendations in [CDC' Critical Infrastructure Guidance](#) while continuing to work;
- Workers who have tested positive for COVID-19, including those that are asymptomatic, should adhere to CDC's interim guidance "[Discontinuation of Isolation for Persons with COVID-19 Not in Healthcare Settings](#)"; and
- If a worker had symptoms and has recovered during home isolation, they should not return to work until they have completed CDC's recommendations for discontinuing home isolation and have consulted their healthcare provider and local and state health authorities.

### **Personal Protective Equipment**

Employers are required to conduct a hazard assessment to determine if PPE is necessary. If PPE is required, it must be provided to the employees. The Guidance Document contains the following recommendations with respect to PPE:

- Employers should provide training on the proper use of PPE. This should include hand hygiene before and after handling PPE;
- Face shields can function as both PPE and source control for COVID-19; and

- CDC/OSHA prefer that PPE be disposable, but if it is not, it should not be taken home. Reusable PPE should be properly sanitized between uses and stored in a clean location when not in use.

### **Workers' Rights**

The Guidance Document reminds employers that Section 11(c) of the Occupational Safety and Health Act prevents retaliating against workers that raise concerns about safety and health conditions. OSHA encourages workers that have suffered retaliation to file a complaint within 30 days. OSHA provides [guidance](#) to assist employers in promoting retaliation-free workplaces and responding to employee complaints.

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We trust this memorandum is useful. If you have any questions, please do not hesitate to contact us.