



August 31, 2020

Oregon Occupational Health and Safety Authority
Infectious Disease Advisory Committee
Via email: tech.web@oregon.gov

On behalf of the Bend Chamber of Commerce's 1,700 members, thank you for your timely and appropriate consideration of changes to the state's occupational health and safety standards. The impact of COVID-19 on our businesses and our communities is significant, and deserves the critical attention outlined by the proposed rules.

Upon reviewing the draft rules, the Bend Chamber of Commerce has several comments as outlined below. Generally speaking, we are supportive of the guidance outlined in the draft rules as it is thoughtful and offers protections for both employees and employers. However, there is room for clarification.

(2) COVID Requirements for all Workplaces - We appreciate the examples and detailed scenarios related to the social distancing requirements and the six foot standards. We do ask for flexibility in the implementation of the guidance, as all businesses have different layouts and configurations of public facing spaces. Additionally, plexiglass and other barrier materials are in high demand and often difficult, and expensive, to source. As such, we ask for additional time to comply with the new regulations to allow for businesses to purchase and install such materials, if they have not already done so.

We do have additional questions related to the transportation requirements outlined in (2) (a) (C) in light of vehicle sizes and configurations. For example, a cleaning business that transports employees in a compact car. Would this not be allowed under the draft rules? Many employers own or lease vehicles that may not allow for three feet of distance between occupants, thus requiring multiple trips or other means of transportation. Additional clarification on this point would be helpful.

We fully support the guidelines expressed in section (2) (b) and are partnering with the City of Bend to advocate for mask wearing in all spaces. Additional clarification regarding wearing masks indoors would be helpful, as the Governor's order was silent on professional offices. We would have concerns with a blanket requirement for employees to wear masks while at their desk, and appropriately distanced, as it

may be challenging to perform their job duties, such as speaking on phone or video conferences.

With regard to the posting requirements outlined in section (2) (f), we ask that OSHA continue to regularly update employers with new materials or scientific guidance, and not rely on employers to seek out such materials when updated.

The situations outlined in section (2) (g) are often complicated and while we agree with the intent, we have concerns about employers shouldering the burden of mandated paid leave in certain scenarios. *“If the employer is not covered by the FFCRA or has previously opted out of the paid sick leave provisions of the FFCRA, then the employer must provide up to two weeks of paid reassignment leave ...”* It is the goal of employers to safely return employees to their job duties, however mandated paid leave while in quarantine is a challenging prospect for many employers. We encourage the state to provide resources, at least in part, to support such scenarios.

Overall, we encourage OSHA to work with partners in the Workers Compensation and Unemployment divisions to ensure rules are congruent, in order to protect employees without posing undue financial burdens on employers.

(3) COVID-19 Regulations for Workplaces at Heightened Risk and (4) COVID-19 Regulations for Workplaces at Exceptional Risk - While we believe the additional guidelines for reporting and documentation are appropriate, we do have concerns about the ability of small businesses with limited staff to fully comply in a timely manner. Full documentation of risk assessments and the other reporting aspects of the rule are time consuming, and while we agree with their inclusion we do believe there should be additional flexibility for small businesses that may fall under the definition.

Thank you for the opportunity to comment on these important health and safety standards, and we appreciate all that Oregon OSHA is doing to help prevent the spread of COVID-19.