



## Health Care Association of New Jersey

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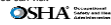
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## DISCLAIMER

This information has been developed by an OSHA Compliance Assistance Specialist and is intended to assist employers, workers, and others improve workplace health and safety. While we attempt to thoroughly address specific topics, it is not possible to include discussion of everything necessary to ensure a healthy and safe working environment in this presentation. This information is a tool for addressing workplace hazards, and is not an exhaustive statement of an employer's legal obligations, which are defined by statute, regulations, and standards.

This document does not have the force and effect of law and is not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies. It does not create (or diminish) legal obligations under the Occupational Safety and Health Act. Finally, OSHA may modify rules and related interpretations in light of new technology, information, or circumstances; to keep apprised of such developments, or to review information on a wide range of occupational safety and health topics, you can visit OSHA's website at [www.osha.gov](http://www.osha.gov).



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## Emergency Temporary Standard to Protect Healthcare Workers

- OSHA posted an Emergency Temporary Standard for Healthcare Workers on June 10, 2021.
- The ETS provides protections for workers facing the highest COVID-19 hazards— those in healthcare settings where suspected or confirmed COVID-19 patients are treated.

[osha.gov/coronavirus/ets](https://www.osha.gov/coronavirus/ets)



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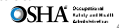
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## Healthcare - 1910.502 (a) Scope and Application

- Applies to healthcare worksites where any employee provides health care services or healthcare support services:
  - Hospitals
  - Nursing homes/Long-term care facilities
  - Healthcare settings embedded in a non-healthcare setting (e.g., medical clinic in a manufacturing facility; walk-in clinic in a retail setting)
  - Autopsy settings in funeral homes, mortuaries, and morgues

NOTE: Where EMTs or other licensed healthcare providers enter a non-healthcare setting to provide healthcare services, only the provision of healthcare services by that employee is covered.



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## Healthcare – 1910.502 (a) (continued)

- Does not apply to:
  - Provision of first aid by non-licensed provider
  - Dispensing of prescriptions by pharmacists in retail settings
  - Non-hospital ambulatory care settings if non-employees are screened
  - Hospital ambulatory care settings if well-defined area, all workers fully vaccinated, non-employees are screened
  - Home healthcare settings if all workers fully vaccinated, non-employees screened
  - Off-site healthcare support services
  - Telehealth services outside of direct patient care settings



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## Overview of Requirements for Healthcare 1910.502

- COVID-19 plan
- Patient screening and management
- Standard and Transmission-Based Precautions
- Personal protective equipment (PPE)
- Aerosol-generating procedures on a person with suspected or confirmed COVID-19
- Physical distancing/Physical barriers
- Cleaning and disinfection



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## Overview of Requirements for Healthcare (continued)

- Ventilation
- Health screening and medical management
- Vaccination
- Training
- Anti-retaliation
- Requirements implemented at no cost to employees
- Recordkeeping
- Reporting COVID-19 fatalities and hospitalizations to OSHA



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## 1910.504 - Mini Respiratory Protection Program

- Applies only to respirator use in accordance with 1910.502(f)(4): *Use of respirators when not required*
  - When the employer provides a respirator to the employee instead of a facemask as required by (f)(1)
  - When an employee provides their own respirator instead of a facemask required by (f)(1)



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### Key Elements of Mini Respiratory Program vs. Respiratory Protection Standard

Key Program Element	Mini RPP (1910.504)	Normal RPP (1910.134)
Medical Evaluation	No	Yes
Fit Testing	No	Yes
Written Program	No	Yes
User Seal Checks	Yes	Yes
Training	Yes	Yes



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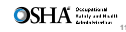
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### Applicability – Mini Respirator Protection Program vs. Respiratory Protection Standard

Healthcare	.504	.134
1910.502(f)(2) – for exposure with suspected/confirmed COVID-19	No	Yes
1910.502(f)(3) – for AGP <sup>1</sup> on person with suspected/confirmed COVID-19	No	Yes
1910.502(f)(4) – in place of facemask when respirator is not required	Yes	No
1910.502(f)(5) – for Standard and Transmission-Based Precautions/good biosafety practices	No	Yes

<sup>1</sup>AGP = aerosol-generating procedure



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### 1910.504 (c) - Responsibilities of Employers When Workers Provide Their Own Respirators

- Provide workers with notice in 1910.504(c) – informs them to take precautions to be sure the respirator itself does not present a hazard



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### 1910.504 (d) - Training Responsibilities of Employers When They Provide Respirators to Workers

- Provide specific training, e.g.,
  - How to inspect/put on/remove/use a respirator
  - Limitations and capabilities of the respirator
  - How to store/maintain/inspect a respirator
  - How to conduct a user seal check
  - How to recognize medical signs/symptoms and what to do
- Training must be in appropriate language and literacy level



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### 1910.504 (d) - Other Responsibilities of Employers When They Provide Respirators to Workers

- Ensure that user seal checks are conducted for tight-fitting respirators and that any problems discovered are corrected
- Ensure that if respirators are reused, they are reused properly
- Ensure the discontinuation of respirator when employee or supervisor reports medical signs or symptoms related to ability to wear a respirator.



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### Emergency Temporary Standard to Protect Healthcare Workers

- **ETS effective dates:**
  - ETS effective immediately upon publication in the Federal Register. **June 21, 2021**
  - Employers must comply with most provisions within 14 days (**July 6, 2021**), and the remaining provisions within 30 days (**July 21, 2021**).

[osha.gov/coronavirus/ets](https://www.osha.gov/coronavirus/ets)



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## COVID-19 Inspections:

- Injury and Illness Data; OSHA 300 logs and 300A.
- Programs:
  - hazard assessment;
  - What measures have been implemented to limit the spread of COVID-19 in the workplace;
  - What measures are in place to ensure infected or potentially infected workers are excluded from the workplace;
  - protections from retaliation for workers who raise COVID-related concerns; and
  - Training for workers of COVID-19 policies and procedures **in a language they understand.**



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## Inspections cont.

- Hazard Communication: What are you using to clean/sanitize the workplace?
  - Written Program, SDS's, Training and inventory.
- Respiratory Protection: Are respirators required to be worn?
  - If so, what type of respirators are employees provided with?
  - Written Program, Fit Testing, Medical Evaluations, Training



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## COVID-19: Enforcement Activity

- 18,474 Federal complaints / referrals **Feb 1, 2020, to Sep 9, 2021**
  - Closed 16,900 Federal complaints/referrals
- Opened 2,861 inspections
- Since OSHA's **NEP for COVID-19** was issued **March 12, 2021**
  - 1,010 Federal inspections have been opened
    - 632 Unprogrammed, including 153 FAT/CATS
    - 378 Programmed
- See OSHA Website for posted activities **since pandemic began**
  - <https://www.osha.gov/enforcement/covid-19>
  - <https://www.osha.gov/fota/covid-19>



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## COVID-19: Enforcement Activity

- **911 COVID-19-related violations** issued as of 9/12/2021
  - 516 Serious (57%)
  - 385 Other-than-Serious (42%)
  - 6 Repeat (1%)
  - 4 Willful (<1%)
- Most frequently cited COVID-19-related standards
  - **1910.134** [Respiratory Protection] - 62% of standards cited
  - **1904.4** [Recordkeeping] - 14% of standards cited
  - **1904.39** [Reporting] - 11% of standards cited
  - **1910.132** [PPE] - 3% of standards cited
  - **OSH Act Section 5(a)(1)** [General Duty Clause] - 2% of standards cited
- Total current penalties: **\$6.3 million**



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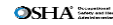
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## Novel Cases for COVID-19 General Duty Clause Citations

- **To date, OSHA has issued over 20 general duty clause (5a1) citations to employers that were not following CDC guidance:**
  - Not ensuring wear of face coverings
  - Not maintaining 6-foot physical distancing at workstations, nor installing physical barriers when feasible
  - Allowing employees to congregate in enclosed common areas (e.g., conference rooms, locker rooms, break rooms)
  - Not requiring sick employees to quarantine, nor notifying exposed employees
- **Among these 5a1s were 2 Willful citations:**
  - Establishment owner instructed employees and customers to remove face coverings and disregarded 6-foot physical distancing
  - Physician/Owner reported to work after contracting COVID-19; exposed co-workers with intentional disregard of CDC's guidance for RTW



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## COVID-19: Inspections / Complaints

Industry	Complaints	Inspections
Health Care	3,430	1,560
Retail Trade	1,928	169
Restaurants and Other Eating Places	1,087	42
Construction	478	41
General Warehousing and Storage	308	21
Supermarkets and Other Grocery Stores	266	95
Automotive Repair	147	5
Animal Slaughtering and Processing	129	130
Agriculture, Forestry, Fishing, Hunting	61	19
Poultry Processing	56	43



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## Quick Takes



### New Resource

The new sharps-to-waste disposal containers address supply shortages and reducing needlestick injuries for healthcare workers and others working in COVID-19 response sites.

### Counterfeit Respirators

Counterfeit N95 respirators are being distributed in healthcare facilities. The Health Information and Effect Campaign (HIEC) has created a guide to identify fake masks.



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## NJ Onsite Consultation

### NEW JERSEY

OSHA On-Site Consultation Service  
New Jersey Department of Labor and Workforce Development  
1 Julian Place, P.O. Box 953  
Trenton, New Jersey 08625-0953  
(609) 954-6755  
(609) 262-6884  
New Jersey  
Website

[njonsite@dol.nj.gov](mailto:njonsite@dol.nj.gov)



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## Questions?

### ▪ If you have questions :

email to: [R2OSHA.outreach@dol.gov](mailto:R2OSHA.outreach@dol.gov)

or

[www.osha.gov/contactus](http://www.osha.gov/contactus)

[colman.robort@dol.gov](mailto:colman.robort@dol.gov)

[crain.brian@dol.gov](mailto:crain.brian@dol.gov)



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