

Potential Oregon OSHA Rulemaking Timeline COVID-19/Infectious Diseases

June 26, 2020

The COVID-19 emergency has highlighted the risks that any infectious disease, particularly one that is airborne, can create for a wide variety of workplaces. As a result of both the immediate and long-term risks highlighted by the current public and occupational health crisis, Oregon OSHA is responding to the request that the state adopt an enforceable workplace health rule on an emergency basis this summer, to be replaced by a permanent rule. This high-level timeline treats these as two essentially different projects, in both nature and scope, recognizing that an ongoing infectious disease rule would not be as closely tailored to the current crisis as would a temporary rule. It also assumes health care (and related activities) and the general workplace would require distinct (although interrelated) sets of requirements.

In both cases, Oregon OSHA plans to rely upon as much collaboration and consultation with experts and with stakeholders as the timeframes involved and other circumstances allow. In the case of the temporary rule(s) this will primarily be through targeted virtual forums and the circulation of a draft prior to a decision on adoption. In the case of the permanent rule(s), Oregon OSHA will be empanelling two rulemaking advisory committees in addition to employing targeted virtual forums and circulation of preproposal drafts.

June 26: Oregon OSHA announces that we have begun work (to be completed in consultation with OHA/Public Health and other technical advisors, as well as affected stakeholders) to draft and adopt a pair of temporary rules addressing the COVID-19 emergency. The target effective date is September 1, with the rule to remain in effect through February 2021. Oregon OSHA will also begin work on a permanent rule addressing airborne infectious disease on an ongoing basis

June 26: Identify and begin recruiting candidates for formal Rulemaking Advisory Committee members.

Week of June 29: Finalize Technical Advisory Group (including OHA and other public health/workplace health/infectious disease resources) and begin TAG meetings.

Week of July 6: Begin External Stakeholder meetings (series of industry-focused “workshops” to discuss elements of *temporary* rule – comparable to the reopening guidance sessions that were hosted by Governor’s Office – as well as specific targeted discussions within health care and closely related industries).

Week of July 20: Circulate draft of *temporary* rule addressing COVID-19 emergency in health care and closely related industries. Allow 21 days for comment (not formal public comment, but similar to such a process).

Week of July 27: Circulate draft of *temporary* rule addressing COVID-19 emergency in the general workplace. Allow 21 days for comment (not a formal public process, but similar to rulemaking without public hearings).

Week of August 10: Empanel “Airborne Infectious Disease in Health Care” Rulemaking Advisory Committee (Health Care RAC) to work with Oregon OSHA on *permanent* rule language addressing health care and closely related activities.

August 17: Publication of near final language of both *temporary* rules, with a planned adoption and effective date of September 1.

Week of August 17: Empanel “Airborne Infectious Disease in the General Workplace” Rulemaking Advisory Committee (Workplace RAC) to work with Oregon OSHA on *permanent* rule language addressing the general workplace.

August 21: Discussion of *temporary* rule language and *permanent* rule process with Oregon OSHA Partnership Committee (*temporary* rule language to be finalized, but not yet adopted, as quickly as possible following the meeting and discussion).

September 1: Adoption of both *temporary* rules with immediate effect (through February 28).

Month of September: Both Health Care RAC and Workplace RAC meet as necessary to provide feedback and advice regarding *permanent* rules..

Week of October 5: Produce pre-proposal draft of *permanent* Airborne Infectious Disease in Health Care Rule for stakeholder discussion (in meetings with the Health Care RAC and in response to broader circulation).

Week of October 12: Produce pre-proposal draft of *permanent* Airborne Infectious Disease in the General Workplace Rule for stakeholder discussion (in meetings with the Workplace RAC and in response to broader circulation).

Week of November 2: File both *permanent* rules as formal proposals, with comment period (including public hearings) extending through January 31, 2021.

January 31: Public comment period ends.

Month of February: Public comments reviewed by Oregon OSHA and final decision documents developed.

Week of February 22: Decision made whether to adopt, modify or withdraw one or both rules, with the effective date of any rule adopted to be March 1 (although any new requirements that had not been included in the temporary rules are expected to take effect at a later date (likely between 60 and 120 days later)).