

New OSHA Guidance from updated FAQ's:

Links cited:

<https://www.osha.gov/SLTC/covid-19/covid-19-faq.html>

<https://www.fisherphillips.com/resources-alerts-key-takeaways-from-oshas-new-faqs-about>

Summary: **OSHA is NOT demanding cloth face coverings, acknowledges that they are not PPE, and that there are other substitutes that can be used without interfering with existing PPE or leading to heat illness.**

In our shops, PMPA has asked management to consider the use of transparent face shields in place of cloth face coverings for worker protection and to reduce interference with OSHA mandated PPE and possible Heat illness and reduced oxygenation over the course of their work.

The latest updates to OSHA's FAQ's touch these concerns so we are sharing them here.

The legal team at Fisher Phillips provided us these talking points, PMPA has went to the Official OSHA site to get the exact language .

<https://www.osha.gov/SLTC/covid-19/covid-19-faq.html>

Are wearing cloth face coverings PPE? OSHA says they aren't PPE?

According to PMPA's retained Labor Law expert law firm, Fisher Phillips

"The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) has just published a series of **frequently asked questions and answers** regarding the use of cloth face coverings, surgical masks, and respirators in the workplace."

"Cloth Face Coverings Are Not Considered PPE

First, in setting out the differences between cloth face coverings, surgical masks, and respirators, OSHA guidance now states that cloth face coverings are not personal protective equipment (PPE) and that you are not required to provide them to your employees because it will not protect the wearer against contracting COVID-19 due to their loose fit and lack of seal and inadequate filtration."

So, Cloth face coverings are not PPE because they don't protect the individual wearing them.

Here is the exact language from OSHA:

Cloth face coverings:

- Are not considered personal protective equipment (PPE).

- Will not protect the wearer against airborne transmissible infectious agents due to loose fit and lack of seal or inadequate filtration.
- May be used by almost any worker, although those who have trouble breathing or are otherwise unable to put on or remove a mask without assistance should not wear one.

So if the cloth face mask is deemed to be not appropriate what can they use? What are some other options? People do want to be safe, you know.

Here is the Law firms' take:

“There Are Options Beyond Cloth Face Coverings

Second, OSHA indicates that where cloth face coverings are not appropriate in the work environment or during certain job tasks (e.g., because they could become contaminated or exacerbate heat illness), employers can instead provide PPE such as face shields and/or surgical masks. OSHA’s FAQs also make clear that the agency considers social distancing to be a key safe work practice, and cloth face coverings are not a substitute for requiring social distancing in the workplace.”

When we went over this face covering issue weeks ago, you raised those exact issues- interference with mandated PPE, Heat illness, and Contamination from shop fluids and the build up of the employee’s own moisture. OSHA has just now acknowledged these? Wow.

I also thought that they could interfere with breathing. Here is the exact language from OSHA:

Employers have the discretion to determine whether to allow employees to wear cloth face coverings in the workplace based on the specific circumstances present at the work site. For some workers, employers may determine that wearing cloth face coverings presents or exacerbates a hazard. For example, cloth face coverings could become contaminated with chemicals used in the work environment, causing workers to inhale the chemicals that collect on the face covering. Over the duration of a work shift, cloth face coverings might also become damp (from workers breathing) or collect infectious material from the work environment (e.g., droplets of other peoples' infectious respiratory secretions). Workers may also need to use PPE that is incompatible with the use of a cloth face covering (e.g., an N95 filtering facepiece respirator).

Here is their guidance. Again this is right off the OSHA FAQ page:

Where cloth face coverings are not appropriate in the work environment or during certain job tasks (e.g., because they could become contaminated or exacerbate heat illness), employers can provide PPE, such as face shields and/or surgical masks, instead of encouraging workers to wear cloth face coverings. Like cloth face coverings, surgical masks and face shields can help contain the wearer's potentially infectious respiratory droplets and can help limit spread of COVID-19 to others.

Note that cloth face coverings are not considered PPE and cannot be used in place of respirators when respirators are otherwise required.

So bottom line “ **OSHA is NOT demanding cloth face coverings, acknowledges that they are not PPE, and that there are other substitutes that can be used without interfering with existing PPE or leading to heat illness.**”

That’s what the legal team at Fisher Phillips concluded, its what we have been saying after studying all the papers and information that we could get our hands on, and They have made it official on their Covid 19 FAQ page