

Thank you for contacting Oregon OSHA with your inquiry. Please note that Oregon OSHA is directing employers and employees to follow current [Oregon Health Authority](#) and [CDC's guidance](#) regarding the SARS-CoV-2 coronavirus outbreak. Also, please continue to frequently check Oregon OSHA's webpage for updated [COVID-19](#) and [respiratory protection policy guidance](#).

Question(s): *"With the result CDC's recommendation of everyone wear a face covering or face mask while out in public there is now a large amount of requests from employees at the work place to wear those home made type or purchased on line face covers. This is conjunction with maintaining the social distancing/physical distancing of 6 ft or greater while at the work place. Can you give any guidance as to the obligation, if any, that the various employers need to put into place when an employee voluntarily brings in such face coverings for that peace of mind and following the CDC and Presidents recommendations?"*

Response: Strictly speaking, the [cloth facemasks](#) (CFM) recommended by the CDC is intended for people to wear when in *public* and is not designed to protect the mask user, but rather to protect everyone else (i.e. the public) from the mask wearer. A CFM is not personal protective equipment (PPE) in the traditional sense of how PPE is used, nor does it need to meet the design specifications for PPE. The use of CFMs are encouraged from a public health perspective because they ensure the mask wearer covers their cough or sneeze by default.

#### Follow-Up Considerations:

- 1. Can an employer prevent voluntary PPE (e.g. homemade masks, CFM) use in the workplace? What if the employee purchased the PPE themselves or they brought it from home?*

Although rare, an employer is within their rights to prevent the voluntary use of PPE if such PPE is not already required by an existing Oregon OSHA standard (e.g. asbestos) or where a worker may exceed the permissible exposure limit (PEL) of an [air contaminant](#) that is regulated by Oregon OSHA. Employers must ensure that PPE, whether it is voluntary vs required or homemade vs manufactured, that it provides adequate protection to workers and does not in it of itself create additional hazards.

By allowing voluntary PPE use, including CFMs, an employer accepts a certain amount of liability. For example, if an employer allows CFMs to be used by employees in the workplace, the employer must ensure that those CFMs are not used improperly and kept clean so that the CFM does not become a hazard to the worker. In regards to the maintenance of CFMs, Oregon OSHA expects CFM users to follow current CDC or OHA guidelines for CFM storage and cleaning.

Oregon OSHA recommends that employers inform workers about their company's rules and expectations about CFM use in the workplace and develop the necessary system in order to ensure CFMs are used properly. However, there is no Oregon OSHA

requirement that employers implement a specific written program or follow a certain training course. Oregon OSHA provides employers with broad flexibility in order to best mitigate hazards in their workplace.

2. *If employees are using CFM, homemade masks, or other non-NIOSH certified facepieces, can they work within 6 feet of each other even with the 6-foot social distancing requirements (SDR)?*

No. Wearing a CFM is an additional *public health measure* people can voluntarily take to reduce the spread of COVID-19. The CDC still recommends that you remain at least 6 feet away from other people (i.e. SDR) and practice good personal hygiene. A CFM is not intended to protect the wearer, but it may prevent the spread of virus from the wearer to others. This type of infection control is also important for people who are asymptomatic or pre-symptomatic but who are otherwise contagious and can shed the virus.

3. *If employees are using an N95 or other NIOSH-certified respirator, can they work within 6 of each other under any circumstance?*

Although strict adherence with current Oregon Health Authority social distancing requirements (SDR) is recommended by Oregon OSHA, NIOSH-certified PPE may be used to *supplement* SDR during *business-critical* work under the following hierarchy:

- Any and all requirements outlined in [Governor Brown's Executive Orders](#) (e.g. [EO No. 20-12](#)) have been developed and implemented (e.g. teleworking program, partial closing of non-essential businesses to *public* operations, designated social distancing program enforcer, etc.).
- The employer has implemented all [feasible engineering and work practice controls](#) that are reasonably achievable to control of the spread of COVID-19 in the workplace.
- PPE is provided in accordance with existing Oregon OSHA standards (e.g. OAR 437-002-0134 or 29 CFR 1910.134).

Most importantly, employers must recognize that the use of NIOSH-certified PPE to circumvent SDR is a *last resort* option after all other feasible controls and safeguards have been implemented. PPE alone cannot be used by employers to comply with SDR.

Finally, federal OSHA has provided the following guidance and resources to employers regarding the [COVID-19/corona virus](#) outbreak. It is essential that employers continue to take steps to inform and protect their employees from the hazards in their workplace.

Below is additional information that you may find useful:

1. Oregon Health Authority – [Emerging Respiratory Infections: COVID-19](#)
2. [CDC's Coronavirus \(COVID-19\) Resource Page](#)
3. Federal OSHA's [Guidance on Preparing Workplaces for COVID-19](#)