

Potential Oregon OSHA Rulemaking Timeline
COVID-19/Infectious Diseases

Revised July 13, 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.

2020

June 26: Oregon OSHA announced 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 permanent rules 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: Appoint initial members of Technical Advisory Committee: Dr. Paul Cieslak, Public Health Physician, OHA; Dr. Fred Berman, Toxicologist, formerly with OHSU's Institute of Occupational Health Sciences; and Dr. David Michaels, Epidemiologist and Professor at George Washington University and formerly Assistant Secretary of USDOL for Federal OSHA).

Week of July 13: Begin meetings of Technical Advisory Committee, recruiting additional members as appropriate.

Week of July 13: Begin External Stakeholder meetings (series of industry-focused public "workshops" to discuss elements of *temporary* rule, as well as specific targeted discussions within health care and closely related industries).

Week of August 3: Circulate draft of *temporary* rule addressing COVID-19 emergency in health care and closely related industries. Accept comments thru August 17 (not formal public comment, but similar to such a process).

Week of August 3: Circulate draft of *temporary* rule addressing COVID-19 emergency in the general workplace. Accept comments thru August 17 (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.

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).

August 24: Publication of near final language of both *temporary* rules, with a planned adoption and effective date of September 1.

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.

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)).