

STATE OF NEVADA

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DEPARTMENT OF BUSINESS AND INDUSTRY
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OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

July 29, 2020

To Whom It May Concern:

Scope: Updated Guidance for Businesses Operating in Phase 2 of Nevada United: Roadmap to Recovery Plan

This guidance applies to all businesses operating during Phase 2 of the Governor's *Nevada United: Roadmap to Recovery* plan. This guidance supersedes previous guidance released on May 29, 2020.

On May 28, 2020 the Governor of Nevada announced the release of Declaration of Emergency Directive #021, which initiated the Phase 2 re-opening of some non-essential business within Nevada. The declaration, summarized in the guidance document titled "Roadmap to Recovery for Nevada: Phase 2" requires that during Phase 2:

"All essential and non-essential businesses opening or continuing operations in Phase 2 must adopt measures promulgated by the Nevada State Occupational Safety and Health Administration (NV OSHA) to minimize the risk of spread of COVID-19, including social distancing and sanitation measures, and abide by all other guidance promulgated pursuant to the Phase 2 directive."

In addition, Section 3 of Declaration of Emergency Directive #021 states:

"Businesses may adopt practices that exceed the standards imposed by Declaration of Emergency Directives, guidelines promulgated by the Nevada State Occupational Safety and Health Administration (NV OSHA) or LEAP guidelines, but in no case shall business practices be more permissive than the provisions of this Directive or those imposed by NV OSHA and the LEAP."

On June 24, 2020, the Governor issued Declaration of Emergency #024, which requires businesses operating during Phase 2 to ensure that all patrons, customers, patients, or clients utilize face coverings. Section 8 states:

"NV OSHA shall enforce all violations of its guidelines, protocols, and regulations promulgated pursuant to this Directive."

To support the continued efforts of the State of Nevada, NV OSHA is providing this guidance, and the recommendations/requirements found within, for businesses open during Phase 2. The measures contained in the document are recommended/required of each business and

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should be applied to all employees of that business. As we battle the coronavirus pandemic, this guidance may continue to evolve.

The NV OSHA recommendations/requirements for all businesses open during Phase 2 include, but are not limited to, the following:

General Operations:

- ▶ Face coverings:
 - All employers must provide face coverings* for employees assigned to serving the public and shall require these employees to wear the face coverings*. (**Required**/Ref. Declaration of Emergency Directive #021, Section 12)
 - All employers should require employees to wear a face covering* in any space visited by the general public, even if no one else is present. (**Recommended**/Ref. Nevada Medical Advisory Team: Guidance on Directive 024: Face Coverings)
 - All employers must require employees to wear a face covering* in any space where food is prepared or packaged, for sale, or generally distributed to others. (**Required**/Ref. Nevada Medical Advisory Team: Guidance on Directive 024: Face Coverings)
 - All businesses are required to mandate the use of face coverings by patrons, customers, patients, or clients and will notify/inform all patrons, customers, patients, and clients of the requirement prior to their entry into the establishment, with exceptions delineated in Section 7 of Declaration of Emergency, Directive #024. (**Required**/Ref. Declaration of Emergency, Directive #024, sections 6 & 7 inclusive)
 - Face coverings must be used in public spaces incorporated in or controlled by a business. (**Required**/Ref. Declaration of Emergency, Directive #024, section 5)
- ▶ Close or limit access to common areas where employees are likely to congregate and interact. When in common areas, face coverings* are required for employees. (**Required**/ Ref. Nevada Medical Advisory Team: Guidance on Directive 024: Face Coverings, Declaration of Emergency Directive #021, Section 15 and CDC - Interim Guidance for Businesses and Employers Responding to Coronavirus Disease 2019 (COVID-19), May 2020) <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>
- ▶ Promote frequent and thorough hand washing, including providing workers, customers, and worksite visitors with a place to wash their hands. If soap and running water are not immediately available, provide alcohol-based hand rubs containing at least 60% alcohol. (**Required**/Ref. Declaration of Emergency Directive #021, Sections 7 & 15)
- ▶ Maintain regular housekeeping practices, including routine cleaning and disinfecting of surfaces and equipment with Environmental Protection Agency-approved cleaning chemicals from List N or that have label claims against the coronavirus. See: <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2> (**Required**/Ref. Declaration of Emergency Directive #021, Sections 7 & 15)

- ▶ Provide sanitation and cleaning supplies for addressing common surfaces in multiple user mobile equipment and multiple user tooling. Recommended based on the specifics of a business’s services and procedures. **(Required/Ref. - Guidance on Preparing Workplaces for COVID-19, OSHA 3990-03 2020)**
- ▶ Conduct daily surveys of changes to staff/labor health conditions. **NV OSHA is emphasizing the need for business leadership to be working with and aware of the health and well-being of its staff.** **(Required/Ref. - Guidance on Preparing Workplaces for COVID-19, OSHA 3990-03 2020)**
- ▶ Ensure that any identified first responders in the labor force are provided and use the needed Personal Protective Equipment (PPE) and equipment for protection from communicable or infections disease. **(Required/29 CFR 1910.1030)**
- ▶ Provide access to potable and sanitary water **(Required/29 CFR 1926.15 or 29 CFR 1910.141)**

*Section 4 of Nevada Declaration of Emergency Directive #24 states “For the purposes of this Directive, “face covering” is defined as a covering that fully covers a person’s nose and mouth, including without limitation, cloth face masks, surgical masks, towels, scarves, and bandanas.” For employees, Nevada OSHA does not recognize face shields as an alternative to or as an effective “face covering.” The face covering must effectively control the breathing zone and restrain any expelled or exhaled water droplets within the covering.

For the public, face shields may be used as an alternative to face coverings by individuals with a medical exemption pursuant to Directive #24 Section 7(3).

Further, any guidance that is produced by the State of Nevada to support the *Nevada United: Roadmap to Recovery* plan (Phase 1 or 2) will be enforced by NV OSHA. Specifically, any guidance that pertains to a particular industry sector may have a column of “mandatory” measures that apply to that industry sector. Any mandatory measures found in the state’s promulgated guidance will be deemed enforceable if not specifically addressed in previously published guidance, regulations, or memorandums. Following these guidelines does not constitute, and is not a substitute for, compliance with all laws and regulations applicable at any particular time. Individuals and businesses are responsible to ensure that they comply with all laws and regulations that apply to them, including, but not limited to, federal and state health and safety requirements. Additionally, compliance with these regulations does not ensure against the spread of infections from COVID-19 or any other cause.

Social Distancing:

Declarations of Emergency Directives #003, #018, and #021 allow for essential industries/businesses to continue operations and allows some non-essential business to reopen. The following measures are required to be implemented by the employer when employees are conducting specific job functions where 6 feet of social distancing is infeasible/impractical.

- ▶ A Job Hazard Analysis (JHA) may be completed for each task, procedure, or instance that is identified where social distancing is infeasible/impractical. Any JHA drafted for this purpose must be equivalent in detail and scope as identified in Federal OSHA publication 3071. <https://www.osha.gov/Publications/osha3071.pdf>
- ▶ A JHA developed for this purpose must identify the task being addressed, hazard being addressed (spread of COVID-19), and controls to be used to address the hazard.
- ▶ Any policy, practice, or protocol developed pursuant to the JHA must be as effective as or more effective than the 6 feet social distancing mandate.
- ▶ Engineering controls, administrative controls, and PPE identified and developed through the JHA to address the hazard must be supplied by the employer.
- ▶ Training must be provided to staff for any policy, practice, or protocol that is used to address the hazard via a JHA.
- ▶ Training must be provided to staff for any equipment, engineered process, administrative control, or PPE that was identified and developed through the JHA to address the social distancing requirements or alternative policies, practices, or protocols implemented when social distancing is infeasible/impractical.

Social Distancing during breaks, lunches/dinners, and other slack periods:

NV OSHA is aware that social distancing requirements are not always followed by employees despite the efforts of the employer. The following measures are recommended for all businesses open during Phase 2.

- ▶ Employers are recommended to monitor employees during break, lunch/dinner, and slack periods to ensure that they are maintaining proper social distancing protocols.
- ▶ If an employer representative identifies an instance where proper social distancing protocols are not being followed, the employee will be subject to the employer's existing methods established for ensuring compliance with safety rules and work practices per NAC 618.540(1)(e).
- ▶ These observations apply to parking lots, staging areas, and any other location identified by the employer to be a supportive part of the overall business.

NV OSHA emphasizes that slowing/addressing the spread of COVID-19 is a required aspect of all activities/tasks/services associated with open businesses and will continue to enforce or promote the use of identified measures to address this public health crisis.

NV OSHA seeks to ensure that all businesses open during Phase 2 implement the aforementioned mandates and also seeks to distribute this information so that all included sectors of business are fully aware of these requirements. If your business, group, or association is receiving this memo, then please recognize this memo as notice to your business, group, or association that the previously mentioned mandates and guidance may be adopted and put into effect.

For any further guidance, use the following links:

- ▶ Federal OSHA - <https://www.osha.gov/SLTC/covid-19/>
- ▶ Centers for Disease Control and Prevention - <https://www.cdc.gov/coronavirus/2019-nCoV/index.html>
- ▶ State of Nevada- <https://nvhealthresponse.nv.gov/>
- ▶ State of Nevada- Roadmap to Recovery for Nevada (Industry Specific Guidance for Phases 1 & 2)
<https://nvhealthresponse.nv.gov/wp-content/uploads/2020/05/Industry-specific-Guidance-Documents.pdf>

<https://nvhealthresponse.nv.gov/wp-content/uploads/2020/05/Roadmap-to-Recovery-Phase-2-Industry-Specific-Guidance.pdf>
- ▶ Mine Safety and Health Administration: <https://www.msha.gov/msha-response-covid-19>
- ▶ NV OSHA Information: <http://dir.nv.gov/OSHA/Home/>

**THIS GUIDANCE IS SUBJECT TO REVISION AS ADDITIONAL INFORMATION IS GATHERED.
PLEASE CHECK HERE FREQUENTLY FOR UPDATES.**

If you have questions, please call the number below.

Sincerely,
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