



**DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INDUSTRIAL RELATIONS
OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION**

May 8, 2020

To Whom It May Concern,

Scope: Updated Guidance for Essential Businesses & Phase 1 Businesses

This guidance applies to all essential businesses and non-essential businesses opening or continuing operations in Phase 1 of the Governor's Roadmap to Recovery for Nevada. This guidance supersedes previous guidance released on April 23, 2020 for essential businesses.

On May 8th, 2020 the Governor of Nevada announced the release of Declaration of Emergency Directive #018, which initiates the re-opening of non-essential business within Nevada by a "phased-in" process. The declaration, summarized in the guidance document titled "Roadmap to Recovery for Nevada," requires that during Phase 1:

All essential and non-essential businesses opening or continuing operations in Phase One 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 One directive.

In addition, Section 10 of Declaration of Emergency Directive #018 states:

Section 10: All businesses must adopt measures that meet or exceed the standards promulgated by NV OSHA to minimize the risk of spread of COVID-19. All businesses are encouraged to permit their employees to work from home to the maximum extent practicable. The Nevada State Occupational Safety and Health Administration shall continue to ensure that businesses reopened pursuant to this Directive or otherwise operating during the state of emergency provide adequate protections to their workers and adopt sanitation protocols that minimize the risk of spread of COVID-19 among their workforce. NV OSHA shall enforce all violations of its guidance, protocols, and regulations.

To accomplish these responsibilities NV OSHA is providing this guidance, and the recommendations/requirements found within, for essential businesses and non-essential businesses that are open or will be opening during Phase 1. The measures contained in the document are recommended/required of each business and 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 essential businesses and non-essential businesses opened during Phase 1 include, but are not limited to, the following:

General Operations:

- ▶ 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 #018, Section 9)
- ▶ Prohibit gatherings of 10 or more people. (**Required**/Ref. Declaration of Emergency Directive #007, Section 1)
- ▶ 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 #003)
- ▶ 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 #003)
- ▶ 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. (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 infectious disease. (**Required**/29 CFR 1910.1030)
- ▶ Provide access to potable and sanitary water (**Required**/29 CFR 1926.15 or 29 CFR 1910.141)

Further, any guidance that is produced by the State of Nevada to support the Roadmap to Recovery for Nevada will be enforced by NV OSHA. Specifically, any guidance that pertains to a particular industry sector may/will have a column of "mandatory" measures that apply to that industry sector. Any mandatory measures found in the states 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 and #018 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 or more effective as the 6 feet social distancing mandate in Declaration of Emergency Directive #003.
- ▶ 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 essential businesses.

- ▶ 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/task/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 essential businesses and non-essential businesses 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/>

Federal OSHA Guidance for Retail Workers (OSHA 3996)
<https://www.osha.gov/Publications/OSHA3996.pdf>

Center 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 - <https://nvhealthresponse.nv.gov/wp-content/uploads/2020/05/Roadmap-to-Recovery-Phase-One-Initial-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.**

Sincerely,
Jess Lankford
Chief Administrative Officer
Phone # 702.486.9020