

COVID-19 UPDATE



HEAT ILLNESS PREVENTION MEASURES

With harvest beginning and temperatures climbing in many parts of California, it is imperative that close attention is paid to the state's heat illness prevention requirements covering access to water and shade, high heat procedures, weather monitoring and acclimatization, employer and supervisor training and written procedures.

The following represents a general overview of some of the steps employers must take to comply with California's heat illness prevention regulation.

Water

- Should be as close as practicable given the working conditions and layout of the worksite
- Encourage the frequent drinking of water
- Ensure that water is readily accessible, and if needed, move it to insure that it remains as close as practicable to workers
- It is insufficient to only place water in shaded areas and/or where toilet facilities if it is possible to place water closer to where employees are working

Shade

- Shade structures must be erected if no other shade is readily available when the temperature exceeds 80 degrees Fahrenheit
- Locate it as close as practical to the area where employees are working
- Natural means of shade qualifies as shade under the regulation and may be deemed as superior artificial shade sources provided the canopy of the natural shade source (ex: a tree or vineyard canopy) is sufficiently dense so as to provide substantial blockage of direct sunlight and the branches from shade source are not so low to the ground that employees must crouch or cannot sit up straight without contacting vegetation. Spots of sunlight are acceptable as long as, overall, the shade provides substantially complete blockage of sunlight.
- Must have enough shade to accommodate all employees taking a rest and preventative cool-down break and who remain on-site during the meal period.
- Allow and encourage employees to take a cool-down rest in the shade for a period of no less than five minutes at a time when they feel the need to do so to protect themselves from overheating.
- Ensure that employees are being monitored when taking cool down breaks.

High Heat Procedures

Additional preventive measures must be implemented when the temperature equals or exceeds 95 degrees Fahrenheit and include:

- Ensuring means of effective communication (by voice, observation, or electronic means)
- Observation for signs and symptoms of heat illness
 - Supervisor or other designee responsible for the observation of 20 or fewer employees) or
 - Implement buddy system, or
 - Having some other means of regular communication with an employee
- Conduct Pre-shift meetings before work begins to review high-heat procedures

Acclimatization

- Employees newly assigned to work in a high heat must be observed by a supervisor or designee for their first 14 days of employment
- All employees must be observed by a supervisor or designee during a heat wave, which means any day in which the predicted high temperature for the day will be at least 80 degrees Fahrenheit and at least ten degrees Fahrenheit higher than the average high daily temperature in the preceding five days.
- And remember, when the temperature equals or exceeds 95 degrees, employers must provide one ten-minute "preventative cool-down rest period" every 2 hours. During the first 8 hours of a shift, the cool-down periods may be provided at the same time as the rest periods already required by the applicable wage order

FDA GUIDANCE ON REPORTING TEMPORARY CLOSURE OR SIGNIFICANTLY REDUCED PRODUCTION DURING COVID-19

The FDA has developed guidance outlining a process for registered facilities to request assistance from the agency in the event of a shut down or significant reduction in operations. FDA notes it will not target inspections toward firms who voluntarily provide information and request assistance. Please use the following link to review the guidance document:

<https://www.fda.gov/media/138375/download>

EPA RELEASES TEMPORARY GUIDANCE ON RESPIRATORY PROTECTION FOR AGRICULTURAL PESTICIDE HANDLERS DURING COVID-19

There is no higher priority for EPA than protecting the health and safety of Americans, especially during the COVID-19 public health emergency. EPA has heard from states and stakeholders about Personal Protective Equipment shortages in the agricultural sector. To respond to these reports and to help ensure the health and safety of America's farmers, EPA is providing temporary guidance regarding respiratory protection requirements for agricultural pesticide handlers. Our guidance aligns with recent OSHA memos on respirators while addressing EPA's responsibilities under FIFRA and the Agricultural Worker Protection Standard (WPS).

Additional Information

The temporary guidance outlines approaches to address the unavailability of required respiratory protection and respiratory fit testing that should first be exhausted before considering any alternative options. Options include:

- Use alternative NIOSH-approved respirators offering equivalent or greater respiratory protection than those required on the pesticide label;
- Hire commercial applicator services with enough respirators and respiratory protection capabilities;
- Opt to use agricultural pesticide products that do not require respirators; or
- Delay pesticide applications until another compliant option is available.

If the above options are exhausted, EPA's guidance provides additional options with strict terms, conditions, and exhaustion requirements to minimize potential incremental risks to workers:

- Reuse and extended use of disposable N95 filter face piece respirator;
- Use of "expired" respirators;
- Use of respirators certified in certain other countries or jurisdictions meeting protective conditions outlined; or
- Delay the annual respirator "fit test."

This is a temporary policy. EPA will assess the continued need for and scope of this temporary guidance on a regular basis. To read the guidance in full and to learn more about EPA's Worker Protection Standard, visit this webpage: <https://www.epa.gov/enforcement/statement-regarding-respiratory-protection-shortages-and-reduced-availability-respirator>.

CDC AND DOL RELEASE COVID-19 RELATED GUIDANCE FOR AGRICULTURAL WORKERS AND EMPLOYEES

The CDC and the Dept of Labor released COVID-19 related guidance for Agriculture Workers and Employers. While this is not enforceable, the first few sentences suggest that it could be adopted at the state and local level. Key points from this interim guidance include:

- Management in the agriculture industry should conduct work site assessments to identify coronavirus disease 2019 (COVID-19) risks and infection prevention strategies to protect workers.
- Work site guidance for COVID-19 prevention and control should be taken into consideration in employer-furnished shared worker housing, transportation vehicles and work settings.
- Prevention practices should follow the hierarchy of controls, which includes using source control and a combination of engineering controls, administrative controls (especially proper sanitation, cleaning, and disinfection), and personal protective equipment.
- Grouping workers together into cohorts may reduce the spread of COVID-19 transmission in the workplace by minimizing the number of different individuals who come into close contact with each other over the course of a week, and may also reduce the number of workers quarantined because of exposure to the virus.
- Owners/operators should maximize opportunities to place farmworkers residing together in the same vehicles for transportation and in the same cohorts to limit exposure.
- Basic information and training about infection prevention should be provided to all farmworkers in languages they can understand.
- Agriculture work sites developing plans for continuing operations where COVID-19 is spreading among workers or in the surrounding community should work directly with appropriate state and local public health officials and occupational safety and health professionals.

To view the entire document, please visit: <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-agricultural-workers.html>

GUIDANCE DEVELOPED SPECIFIC TO HARVESTING AND SHARED HOUSING FOR AGRICULTURAL WORKERS & EMPLOYEES

United Fresh, American Frozen Food Institute (AFFI), and Western Growers, with input from the FDA and CDC, have developed a guidance documents specific for harvesting and shared housing following the CDC and Department of Labor's recently released guidance for agricultural workers and employers. The documents can be reviewed here:

https://www.unitedfresh.org/content/uploads/2020/06/Communal-Housing_Harversting_Processing-Guidance_version-2.1-May_27_2020.doc.pdf