

Coronavirus Could Affect OSHA Compliance on Home Building Sites

The effects of the COVID-19 illness associated with a new coronavirus have already proven to be extraordinarily broad, ranging from the obvious strain on countries' healthcare systems to a global economic slowdown spurred by social distancing and reduced commerce. Those impacts might be felt for months to come.

But NAHB has identified at least two areas of concern for home builders in the short term, both related to compliance with OSHA standards: The availability of N95 respirators for those working with respirable silica dust and OSHA reporting standards on injuries and illnesses in the workplace.

Shortage of N95 Masks

N95 Filter face mask in hand N95 filtering facepiece respirators—a staple in construction industry—may be used to protect workers from respiratory hazards such as silica dust from cutting, drilling, or jackhammering concrete, respirable particles when sanding various building materials, fiberglass particles while installing or removing insulation, or lead dust when impacting surfaces coated with lead-based paint.

N95 masks are popular with healthcare workers battling on the front lines of the coronavirus pandemic. Vice President Mike Pence asked the construction industry on March 17 to donate N95 masks to healthcare workers, so home builders and contractors should expect shortages of these respirators in the coming weeks or longer. What can construction employers do to limit the need for respirator use? In short, keep the dust down by using engineering and work practice controls, specifically through the use of water delivery and dust collection systems and by limiting exposure time.

NIOSH, OSHA and others have guidance that includes vacuum dust collection system, using wet-cutting techniques and minimizing the number of workers exposed to the hazard. Here are some resources to help construction companies reduce exposure to dust on job sites that reference these techniques for specific tasks:

- Using handheld saws
- Drywall sanding
- Cutting fiber cement siding
- Using handheld grinders
- Controlling lead dust exposures

If a respirator is required, employers can also provide workers with a substitute respirator of equal or higher protection, such as N99, N100, or P100 filtering facepieces, reusable elastomeric respirators with appropriate filters or cartridges, or powered air purifying respirators (PAPR).

For more information on OSHA's respiratory protection requirements for construction, watch their videos in English and Spanish.

OSHA Injury and Illness Reporting Requirements

Last year, OSHA issued new rules on reporting injuries and illnesses on the job site. Many are wondering if these new rules apply to coronavirus.

In short, coronavirus is explicitly not exempt from reporting the way a common cold and seasonal flus are. An instance of on-the-job coronavirus transmission may be required to be reported on the OSHA 300 log or on Form 301.

However, according to attorney Brad Hammock of Littler Mendelson P.C., the specific circumstances spelled out in the rule that require reporting of illness will greatly limit the reporting obligations of home builders.

First, it must be shown that the virus was contracted on the job. Also, any hospitalizations that occur 24 or more hours after exposure do not need reporting. In the unfortunate event of a death of a worker less than 30 days after contracting the virus on the job, that event would need to be reported. These narrow requirements will probably result in few cases reported by construction businesses.

NAHB is actively monitoring government and public health information on coronavirus and will be constantly updating the Coronavirus Preparedness page on nahb.org.