



July 22, 2020

CAL/OSHA POSTER CREATES CONFUSION

Cal/OSHA has created a [workplace poster](#) (Face Coverings, Masks & Respirators) to provide guidelines for when to use them to prevent the spread of COVID-19. However, the poster may create some confusion. Below is a Q&A addressing three potentially confusing issues in the poster:

Q: The poster states, “Employers must provide face coverings for workers or reimburse them for the reasonable costs of obtaining them.” Does this mean employers must reimburse employees for expensive and excessive face coverings?

A: Many workers may want to use their own face coverings, and there is no clear authority for Cal/OSHA to require employers to reimburse workers for the costs of face coverings. However, Cal/OSHA is enforcing federal, state and local guidance and orders claiming that noncompliance is a violation of the requirement for employers to establish and implement an Illness and Injury Prevention Program. Therefore, employers should provide face coverings for their workers.

Q: The poster states the following people “should use” N95 masks: “Health care workers, first responders, others at highest risk of exposure to COVID-19.” Does this mean ag employees do not need to wear N95 masks due to the high demand for N95 masks during this pandemic?

A: No. N95 masks are still required to be made available for ag employees in specific situations. For example, some pest management work requires N95 masks. Additionally, in cases of wildfire smoke, N95 masks must be provided to employees for voluntary use.

Q: The poster states, “N95 and other tight-fitting respirators must be fit tested.” Does this mean that even voluntary use of an N95 mask requires fit testing?

A: No. The law is clear that voluntary use of a N95 mask does not require a fit test. However, employers may wish to utilize a waiver in these situations.

DISCLAIMER: The above information is general in nature. Employers are encouraged to seek legal counsel for any specific workplace situation.