



MEMORANDUM

Date: April 13, 2020
To: ARTBA Membership
From: Bradley Sant, SVP Safety and Education
RE: COVID-19 Reporting and OSHA

The U.S. Occupational Safety & Health Administration (OSHA) April 10 issued interim guidance stating it **will not require employers** (other than those in the health-related industries) to record COVID-19 illnesses on their 300 log except in certain instances.

OSHA's announcement directly follows a [March 25 ARTBA letter](#) seeking clarification due to postings on OSHA's website that led to substantial uncertainty among transportation construction industry firms about the agency's interpretation of existing practices in relation to the new public health threat.

OSHA's noted exceptions are:

1. There is objective evidence that a COVID-19 case may be work-related. This could include, for example, cases developing among workers who work closely together without an alternative explanation; and
2. The evidence was reasonably available to the employer. For purposes of this memorandum, examples of reasonably available evidence include information given to the employer by employees, as well as information that an employer learns regarding its employees' health and safety in the ordinary course of managing its business and employees.

(See <https://www.osha.gov/memos/2020-04-10/enforcement-guidance-recording-cases-coronavirus-disease-2019-covid-19>)

While a number of interests have contacted OSHA about COVID-19 in recent weeks, ARTBA's letter to Loren Sweatt, principal deputy assistant secretary of labor, specifically asked, "the agency issue a statement indicating employers that have not been required to report illnesses caused by health pathogens in the past will not likely need to report such exposures to COVID-19, unless their work procedures or job tasks have changed significantly in recent weeks."

The OSHA memo notes: "This enforcement policy will help employers focus their response efforts on implementing [good hygiene practices](#) in their workplaces, and otherwise mitigating COVID-19's effects, rather than on making difficult work-relatedness decisions in circumstances where there is community transmission."

Additionally, this guidance matches the information I provided to ARTBA members in a March 26 memo which concluded, "COVID-19 should be treated similarly to an exposure to any other pathogen that causes an illness. Unless the sickness can be demonstrated to be a direct result of the employee's working conditions, it would not require posting on the OSHA 300 log."

We will continue to keep you updated on new developments in this area.

Feel free to contact me with any questions or concerns about how this guidance is being interpreted on your work sites. I can be reached at bsant@artba.org or 202-683-1008.