

Sample 5(a)(1) Citation Verbiage

Section 5(a)(1) of the Occupational Safety and Health Act: The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees, in that employees were working in close proximity to each other and were exposed to SARS-CoV-2 (severe acute respiratory syndrome coronavirus 2), the cause of Coronavirus Disease 2019 (COVID-19).

(a) (LOCATION) (DATE) (IDENTIFY SPECIFIC OPERATION/TASK(S) AND DEPARTMENTS, DESCRIBE CONDITIONS, INCLUDING EXPOSURE LEVELS) On or about [Date], the employer did not develop and implement timely and effective measures to mitigate the spread of SARS-CoV-2, the virus that causes COVID-19. Employees working [in the emergency room staffed with 35 employees, on [DATE]: Three employees, a physician, nurse, and nursing assistant, were providing direct patient care – performing a routine endotracheal intubation procedure - to a patient who was previously confirmed to be infected with SARS-CoV-2.

The employer did not ensure that appropriate and available engineering controls were used to protect against infective respiratory droplets and aerosols, in that [an available isolation room was not used for the procedure, thereby exposing adjacent unprotected] workers to SARS-CoV-2.[12] These conditions allowed the perpetuation of an outbreak of COVID-19 at the facility. As of [Date], the employer had [number] total positive tests out of approximately [number] employees.

Among other methods, feasible and acceptable means of abatement for this hazard include:

Erect an airborne infection isolation (AIIR) room with negative pressure that provides a minimum of 6 air exchanges, or 12 air exchanges (new construction or renovation), per hour.[13]

Erect physical barriers or partitions in triage areas to guide patients.

Install curtains separating patients in semi-private areas.

Install isolation tents or other portable containment structures that can serve as alternative patient-placement facilities when AIIRs are not available and/or examination room space is limited.

Training: All employees must be trained on the need for such controls and to be aware that when the controls are not operating efficiently they should not be used and the appropriate authorities should be contacted to correct the problems encountered.