OSHA Occupational Safety and Health Administration

Common COVID-19 Citations: Helping Employers Better Protect Workers and Comply with OSHA Regulations

This document is intended to help employers understand which OSHA standards have been cited most frequently during COVID-19 related inspections. This data is based on inspections where citations have been issued. OSHA initiated these inspections following complaints, referrals, or fatalities in industries such as: hospitals and healthcare, nursing homes and long term care settings, and meat/poultry processing facilities. By understanding which workplace hazards have most often resulted in OSHA citations, employers can better ensure that they are adequately protecting workers. (Note: the standards and requirements are listed in order of the frequency by which they are cited when this document was issued.)

Federal OSHA Standard Cited	Violation Description	Available Resources and Related Information
1910.134 - Respiratory Protection		
Section (e) - Medical Evaluation		• Safety and Health Topics – Respiratory protection • Understanding Compliance with OSHA's Respiratory Protection Standard During the Coronavirus Disease 2019 (COVID-19) Pandemic. (August 2020). • Seven Steps to Correctly Wear a Respirator at Work. OSHA Poster, (May 2020). • OSHA Respiratory Projection Training Videos (most available in Spanish) ○ Putting on and Taking off a Mask. ○ Respiratory Protection for Healthcare Workers.
1910.134(e)(1)	The employer did not provide a medical evaluation before the worker was fit-tested or used the respirator.	
1910.134(e)(2)(ii)	The medical evaluation was missing information required in mandatory Appendix C (OSHA Respirator Medical Evaluation Questionnaire) of the standard.	
Section (f) - Fit Testing		
1910.134(f)(1)	The employer did not perform an appropriate fit test for a tight-fitting facepiece respirator.	

Federal OSHA Standard Cited	Violation Description	Available Resources and Related Information
1910.134(f)(2)	The employer did not ensure that an employee was fit tested prior to using the respirator the first time, whenever a different respirator facepiece was used (size, style, model or make), and annually thereafter.	○ The Difference Between Respirators and Surgical Masks. ○ Respirator Safety. Donning (Putting on) and Doffing (Taking off) and User Seal Checks. ○ Respirator Fit Testing ○ Medical Evaluations ○ Training Requirements ○ Voluntary Use of Respirators • NIOSH/OSHA/CDC Toolkit. Hospital Respiratory Protection Program Toolkit: Resources for Respirator Program Administrators (EPUB | MOBI). (2015). • Respirator Medical Evaluation Questionnaire Infosheet. OSHA Publication 3789, (May 2015). • Small Entity Compliance Guide for the Respiratory Protection Standard. (2011). • General Respiratory Protection Guidance for Employers and Workers. OSHA Bulletin, (2011). • Respirators. OSHA QuickCard, (2005). Also available in Spanish • Assigned Protection Factors for the Revised Respiratory Protection Standard. OSHA Guidebook, (2009). • Respiratory Infection Control: The Difference Between Respirators and Surgical Masks. OSHA Fact Sheet, (2009). • Respiratory Protection. OSHA eTool. • Preparing Solutions for Qualitative Fit Testing from Available Chemicals. (June 16, 2020) • Respiratory Protection Guidance for the Employers of Those Working in Nursing Homes, Assisted Living, and Other Long-Term Care Facilities During the COVID-19 Pandemic. (October30, 2020)
1910.134(f)(5)	The employer did not administer a fit test using a protocol in Appendix A (Fit Testing Procedures) of the standard.	
Section (c) - Respiratory protection program		
1910.134(c)(1) • 1910.134(c)(1)(ix) • 1910.134(c)(1)(iii) • 1910.134(c)(1)(ii)	The employer did not establish, implement, or update a written respiratory protection program with worksite-specific procedures. The employer did not include specific provisions in their respiratory protection program, including procedures for: medical evaluations; fit-testing; and regularly evaluating the effectiveness of the program.	
1910.134(c)(2)(i)	The employer determined that voluntary respirator use was permissible but did not provide the respirator users with the mandatory information from Appendix D (Information for Employees Using Respirators When not Required Under Standard).	
1910.134(c)(3)	The employer did not designate a qualified program administrator to administer or oversee the respiratory protection program and conduct the required evaluations of program effectiveness.	
Section (k) - Training and information		
1910.134(k)	The employer did not provide effective training, and basic information as described in Appendix D (Information for Employees Using Respirators When not Required Under Standard). The training must be comprehensive, understandable, and recur annually, and more often if necessary.	
1910.134(k)(1) • 1910.134(k)(1)(i) • 1910.134(k)(1)(vi) • 1910.134(k)(1)(iv)	The employer did not ensure that each employee could demonstrate knowledge of: • Why the respirator is necessary; • How improper fit, usage, or maintenance can reduce protection; • The limitations and capabilities of the respirator; • How to use the respirator effectively in emergency situations;	

Federal OSHA Standard Cited	Violation Description	Available Resources and Related Information
	• How to inspect, put on and remove, use, and check the respirator seal; • Procedures for maintenance and storage; • How to recognize medical signs and symptoms that may limit or prevent respirator use; and • The general requirements of this section.	• Enforcement Guidance for Respiratory Protection and the N95 Shortage Due to the 2019 Novel Coronavirus Disease (COVID-19) Pandemic. (April 3, 2020) • Healthcare Respiratory Protection Annual Fit-Testing for N95 Filtering Facepieces During the COVID-19 Outbreak. (March 14, 2020) • Enforcement Guidance for Use of Respiratory Protection Equipment Certified Under Standards of Other Countries or Jurisdictions During the Coronavirus Disease 2019 (COVID-19) Pandemic. (April 3, 2020) • Expanded Temporary Enforcement Guidance on Respiratory Protection Fit-Testing for N95 Filtering Facepieces in All Industries During the Coronavirus Disease (COVID-19) Pandemic. (April 8, 2020) • Enforcement Guidance on Decontamination of Filtering Facepiece Respirators in Healthcare During the Coronavirus Disease 2019 (COVID-19) Pandemic. (April 24, 2020) • Temporary Enforcement Guidance - Tight-Fitting Powered Air Purifying Respirators (PAPRs) Used During the Coronavirus Disease 2019 (COVID-19) Pandemic. (October 2, 2020)
1910.134(k)(3)	The employer did not provide training before the employee used a respirator in the workplace.	
1910.134(k)(5)(i)	The employer did not retrain employees about changes in the workplace or the type of respirator when previous training was obsolete.	
1910.134(k)(6)	The employer allowed voluntary use of respirators but did not provide the required information on voluntary use of respirators in mandatory Appendix D (Information for Employees Using Respirators When not Required Under Standard).	
Section (d) - General requirements		
1910.134(d)(1)(ii)	The employer did not select a NIOSH-certified respirator.	
1910.134(d)(1)(i)	The employer did not select and provide an appropriate respirator based on the respiratory hazard(s) to which the worker is exposed.	
Section (a) - Permissible practice		
1910.134(a)(2)	The employer did not provide an appropriate respirator to each employee when necessary to protect the health of the employee.	
Section (m) - Medical evaluation		
1910.134(m)(2) • 1910.134(m)(2)(i)	The employer did not establish adequate fit test records, including: the name or identification of the employee tested; the type of fit test performed; the specific make, model, style, and size of respirator tested; the date of test; and the pass/fail results for qualitative fit tests the fit factor and strip chart recording or other recording of the test results for quantitative fit tests.	

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Section (h) - Maintenance and care of respirators.		
1910.134(h)(2)(i)	The employer did not store respirators properly in a way to protect them from damage, contamination, and deformation of the facepiece and exhalation valve (where applicable).	
Subpart 1904 – Recording and Reporting Occupational Injuries and Illnesses		
1904.39 - Reporting fatalities, hospitalizations, amputations, and losses of an eye as a result of work-related incidents to OSHA		• COVID-19 Frequently Asked Questions: Reporting • Discretion in Enforcement when Considering an Employer's Good Faith Efforts During the Coronavirus Disease 2019 (COVID-19) Pandemic (April 16, 2020). • Revised Enforcement Guidance for Recording Cases of Coronavirus Disease 2019 (COVID-19), (May 26, 2020) • OSHA Injury and Illness Recordkeeping and Reporting Requirements • Detailed Guidance for OSHA's Injury and Illness Recordkeeping Rule
1904.39(a)(1)	The employer did not report a fatality to OSHA within eight hours after the death of any employee as a result of a work-related incident.	
1904.4 - Recording criteria		
1904.4(a)	The employer did not keep records of fatalities, injuries, and illnesses that were work-related.	
1910.132 - Personal Protective Equipment		

Section (d) - Hazard assessment and equipment selection		• COVID-19 Frequently Asked Questions: Personal Protective Equipment
		• Safety and Health Topics – Personal protective equipment
		• CDC COVID Guidance for Healthcare Workers: Optimizing PPE Supplies
		  ○ CDC Guidance on Medical Facemasks
		  ○ CDC Guidance on Eye Protection
		  ○ CDC Guidance on Isolation Gowns
		  ○ Also see information on PPE selection in
		  ▪ Preparing Workplaces guidance document
		  ▪ Returning to Work guidance document

1910.132(d)(1)	*Note: these citations occurred in the healthcare sector and involved medical facemasks, faces shields, and gowns.* The employer did not: • Assess the workplace to determine if hazards are present, or are likely to be present, which require the use of PPE; • Select, and require the use of, appropriate PPE; • Communicate selection decisions to each affected employee; and, • Select PPE that properly fits each affected employee.	
1910.132(d)(2)	*Note: these citations occurred in the healthcare sector and involved medical facemasks, faces shields, and gowns.* The employer did not properly document in writing that the required hazard assessment had been performed.	

Federal OSHA Standard Cited	Violation Description	Available Resources and Related Information
Section (a) - Application		▪ Personal Protective Equipment. OSHA Fact Sheet (Publication 3603), (2012). ▪ Personal Protective Equipment. OSHA Publication 3151, (2004).
1910.132(a)	*Note: these citations occurred in the healthcare sector and involved medical facemasks, faces shields, and gowns.* The employer did not provide, use, and maintain protective equipment in a sanitary and reliable condition.	
Section (f) - Training		
1910.132(f)(1)	The employer did not provide training to each employee who is required to use PPE.	
General Duty Clause		
OSH Act 5(a)(1)	The employer did not furnish a place of employment that was free from recognized hazards that are causing or are likely to cause death or serious physical harm to employees. Under the general duty clause, employers must protect employees from COVID-19 hazards at the workplace by, for example, installing plastic barriers or ensuring social distancing.	• Guidance on Returning to Work (Spanish) • Preparing Workplaces for COVID-19 (Spanish) • Specific Industry Guidance

Temporary Enforcement Discretion Related to the Respiratory Protection Standard During COVID-19

In light of the essential need for adequate supplies of respirators during the COVID-19 pandemic, OSHA has temporarily exercised some enforcement discretion regarding respirators, including certain fit testing provisions, the use of respirators that are beyond their manufacturer's recommended shelf life, extended use and reuse of respirators, the use of alternative respirators certified under standards of certain other countries and jurisdictions, and decontamination of respirators. This enforcement discretion is described in detail in various temporary enforcement memoranda, which can be found on *OSHA's COVID-19 webpage*. **For OSHA to exercise enforcement discretion, employers must demonstrate and document good-faith efforts to comply with OSHA standards, as outlined in the same memoranda and summarized in *Understanding Compliance with OSHA's Respiratory Standard during the Coronavirus Disease (COVID-19) Pandemic*.** OSHA's temporary enforcement memoranda are time-limited to the current COVID-19 crisis and are aligned with CDC's *Strategies for Optimizing the Supply of N95 Respirators*, which recommend a variety of conventional, contingency, and crisis capacity control strategies. **Enforcement discretion applies only after an employer has considered and taken all possible steps to comply with measures in a particular control strategy.** Employers should periodically refer to *OSHA's COVID- 19 webpage* for the most up-to-date interim/temporary enforcement discretion memoranda and guidance.

On-Site Consultation Program

OSHA's On-Site Consultation Program offers no-cost and confidential occupational safety and health services to small- and medium-sized businesses in all 50 states, the District of Columbia, and several U.S. territories, with priority given to high-hazard worksites. On-Site Consultation services are separate from enforcement and do not result in penalties or citations. OSHA's On-Site Consultation services connect employers with consultants from state agencies and universities, who then work with employers to identify workplace hazards, provide advice for compliance with OSHA standards, and assist in establishing and improving safety and health programs.

This document does not have the force and effect of law and is not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies. It contains summaries of mandatory safety and health standards, and employers should consult the text of the applicable standard in determining their obligations. The Occupational Safety and Health Act requires employers to comply with safety and health standards and regulations promulgated by OSHA or by a state with an OSHA-approved state plan. In addition, the Act's General Duty Clause, Section 5(a)(1), requires employers to provide their employees with a workplace free from recognized hazards likely to cause death or serious physical harm.

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