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# MIOSHA

Michigan Occupational Safety and Health Administration (MIOSHA)  
Department of Labor and Economic Opportunity (LEO)

## AGENCY INSTRUCTION

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DOCUMENT IDENTIFIER:  
MIOSHA-COM-20-4

DATE:  
July 27, 2020

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**SUBJECT:** COVID-19 in Bars, Restaurants, Gas Stations, Grocery and Convenience Stores,  
and Other Retail – State Emphasis Program (SEP)

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- I. Purpose. This instruction establishes a state emphasis program (SEP) to ensure retail establishments are protecting workers from severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) which causes coronavirus disease 2019 (COVID-19).
- II. Scope. This instruction applies to the Appeals Division, Construction Safety and Health Division (CSDH), Consultation Education and Training (CET) Division, and the General Industry Safety and Health Division (GISHD).
- III. References.
  - A. Agency Instruction, MIOSHA-SHMS-20-1, [COVID-19 Preparedness and Response Plan for MIOSHA Staff](#), as amended.
  - B. Agency Instruction, MIOSHA-COM-20-2, [Coronavirus Disease 2019 \(COVID-19\) – Interim Enforcement Plan](#), as amended.
  - C. Agency Instruction MIOSHA-STD-05-2, [Recording and Reporting of Occupational Injuries and Illnesses](#), as amended.
  - D. General Industry Safety and Health Standard Part 33. R 408.13301 et seq., [Personal Protective Equipment](#).
  - E. General Industry Safety and Health Standard Part 474. R 325.47401 et seq., [Sanitation](#).
  - F. Governor Gretchen Whitmer, [Executive Orders \(COVID-19\)](#), Mich. Exec. Order No. 04 (2020), et seq.
  - G. Michigan Occupational Safety and Health (MIOSH) Act, MCL 408.1001 et seq., P.A. 154 of 1974, as amended.
  - H. [MIOSHA Field Operations Manual \(FOM\)](#), as amended.
  - I. MIOSHA Safety and Health Standard Part 11. /R408.22101 et seq., [Recording and Reporting of Occupational Injuries and Illnesses](#).
  - J. Occupational Health Standards Part 451. R 325.60051 et seq., [Respiratory Protection](#).
  - K. Occupational Safety and Health Administration (OSHA), [Guidance on Preparing Workplaces for COVID-19](#), 2020.
  - L. OSHA Memorandum, [Revised Enforcement Guidance for Recording Cases of Coronavirus Disease 2019 \(COVID-19\)](#), May 19, 2020.

July 27, 2020

COVID-19 in Bars, Restaurants, Gas Stations, Grocery and Convenience Stores, and Other Retail – State Emphasis Program (SEP)

- M. US Centers for Disease Control and Prevention (CDC), Coronavirus Disease 2019 (COVID-19), [Guidance Documents](#), webpage, as amended.
- IV. Distribution. MIOSHA Staff; Federal OSHA; S-drive Accessible; MIOSHA Messenger; and Internet Accessible.
- V. Next Review Date. This instruction will be reviewed on September 1, 2020.
- VI. Contact. [Lawrence Hidalgo, Jr.](#), Director, CSHD, [Nella Davis-Ray](#), Director, CET, [Dawn Jack](#), Appeals Division, and [Adrian Rocskay](#), Director, GISHD.
- VII. Originator. Barton G. Pickelman, Director.
- VIII. Background. Work by its nature removes people from the confines and relative safety of their homes to interact with others who may be carrying the SARS-CoV-2 including coworkers and customers. Employees who come in contact with large numbers of people as a result of their employment are at elevated risk of infection. This SEP will increase MIOSHA’s presence in retail establishments to ensure workers are protected from SARS-CoV-2.
- IX. Targeting. MIOSHA will create a targeting list of retail businesses. The targeting list will be distributed among industrial classifications approximately as follows:
  - A. Restaurants and bars – 40%
  - B. Gas stations and convenience stores – 20%
  - C. Grocery stores – 20%
  - D. Other retail – 20%
- X. Enforcement Activities. The programmed inspection assignments will be distributed to GISHD Industrial Hygienists (IHs), GISHD Safety Officers (SOs), CSHD IHs, and CSHD SOs. The enforcement activities will all be general industry health inspections. The IH/SO will follow the safety policies and procedures set forth in MIOSHA-SHMS-20-1, [COVID-19 Preparedness and Response Plan for MIOSHA Staff](#) to protect themselves from the SARS-CoV-2 hazards that may be encountered during such inspections. Compliance officers will open the inspections by August 30, 2020.
- XI. Inspection Procedures.
  - A. General. The IH/SO shall utilize the inspection policies and procedures set forth in MIOSHA-COM-20-2, [Coronavirus Disease 2019 \(COVID-19\) – Interim Enforcement Plan](#).
  - B. Scope. The scope of the inspection will be partial. COVID-19 will be the hazard addressed including review of the establishment’s COVID-19 preparedness and response plan. Despite the potential to come across COVID-19 hazards affecting customers and the general public, the IH/SO will limit their inspection to worker health issues.
  - C. Standard of Evaluation. The IH/SO shall evaluate the employer’s compliance with the general duty clause of the MIOSH Act and existing MIOSHA standards. For

July 27, 2020

COVID-19 in Bars, Restaurants, Gas Stations, Grocery and Convenience Stores, and Other Retail – State Emphasis Program (SEP)

general duty clause compliance, the IH/SO will assess the employer’s adherence to the [Governor’s Executive Orders for COVID-19](#), [OSHA Guidance on Preparing Workplaces for COVID-19](#), and [CDC guidance for COVID-19](#). For the CDC guidance, the IH/SO will select the guidance appropriate for the industry and the guidance that is in effect for the date that compliance is evaluated. Some of the CDC guidance is applicable to all businesses and employers, and some of the guidance is industry specific. See [Appendix A](#) for a list of inspection resources as of the date of issuance of this instruction.

- D. Employee Interviews. The IH/SO shall interview employees in accordance with the [MIOSHA FOM](#). The IH/SO shall ensure interviews are comprised of employees from all shifts.
  - E. Citations. Citations can be issued for a violation of the general duty clause of the MIOSH Act and applicable MIOSHA standards such as G.I. Part 33, [Personal Protective Equipment](#), G.I. Part 474, [Sanitation](#), and G.I. Part 451, [Respiratory Protection](#). The IH/SO will follow the citation procedures outlined in section XV.G of MIOSHA-COM-20-2, [Coronavirus Disease 2019 \(COVID-19\) – Interim Enforcement Plan](#).
  - F. Recordkeeping. The IH/SO shall evaluate the employer’s compliance with [Part 11](#), Recording and Reporting of Occupational Injuries and Illnesses. To determine if any employee illnesses have occurred due to occupational exposure to SARS-CoV-2, the IH/SO shall speak to management representatives, interview employees, and review the employer’s occupational illness records. If the IH/SO determines that illnesses from such exposures are not being properly recorded, the citation guidance in MIOSHA-STD-05-2, [Recording and Reporting of Occupational Injuries and Illnesses](#), as amended, and OSHA Enforcement Memo, [Revised Enforcement Guidance for Recording Cases of Coronavirus Disease 2019 \(COVID-19\)](#) shall be followed.
- XII. OSHA Information System (OIS) Coding. IHs/SOs will use the OIS code **N 16 COVID-19** to track all enforcement activities related to COVID-19. In addition, all enforcement activities conducted under this SEP shall be coded with the SEP code “**COVID-19 RETAIL**”. On the Inspection tab, on the Inspection Type subtab, IH/SO will:
- A. Select “Programmed Planned” from the Initiating Type drop down menu.
  - B. Select “**COVID-19 RETAIL**” from the State Emphasis Program drop down list.
  - C. Select “**COVID-19 RETAIL**” from the Primary Emphasis Program drop down list.
  - D. Select “Health” from the Inspection Category drop down menu.
  - E. Select “Partial” from the Scope of Inspection drop down list.
  - F. Click on “Add from Reference” and select **N 16 COVID-19** Response activities related to COVID-19 Coronavirus.

MIOSHA-COM-20-4

July 27, 2020

COVID-19 in Bars, Restaurants, Gas Stations, Grocery and Convenience Stores, and Other Retail – State Emphasis Program (SEP)

XIII. Outreach Activities. The CET Division will use outreach activities as an opportunity to raise awareness among employers, employees, and safety and health professionals to the best practices for COVID-19 in retail establishments. These activities will include the development of a fact sheet, a press release, Gov Delivery announcement of the SEP, and a webinar. The outreach plan can be found in [Appendix B](#).

MIOSHA-COM-20-4

July 27, 2020

COVID-19 in Bars, Restaurants, Gas Stations, Grocery and Convenience Stores, and Other Retail – State Emphasis Program (SEP)

## **Appendix A**

### **Inspection Resources**

#### **Statutes**

Michigan Occupational Safety and Health Act, Act 154 of 1974, Section 11(a) – general duty clause

#### **MIOSHA Regulations**

MIOSHA Safety and Health Standard Part 11. /R408.22101 et seq., Recording and Reporting of Occupational Injuries and Illnesses.

General Industry Safety and Health Standard Part 33. /R408.13301 et seq., Personal Protective Equipment.

General Industry Safety and Health Standard Part 433. /R325.60001 et seq., Personal Protective Equipment.

Occupational Health Standard Part 451. /R1910.134 et seq., Respiratory Protection.

#### **Agency Instructions**

MIOSHA-SHMS-20-1, COVID-19 Preparedness and Response Plan for MIOSHA Staff, as amended

MIOSHA-COM-20-2, Coronavirus Disease 2019 (COVID-19) – Interim Enforcement Plan, as amended

MIOSHA-STD-05-2, Recording and Reporting of Occupational Injuries and Illnesses, as amended

MIOSHA-STD-8-1, Personal Protective Equipment (PPE) Standard

MIOSHA-STD-15-1, Respiratory Protection Standard, Part 451, Enforcement Policies

#### **Governor’s Executive Orders**

No. 2020-143 (COVID-19), Closing indoor service at bars, July 1, 2020

No. 2020-145 (COVID-19), Safeguards to protect Michigan’s workers from COVID-19, July 9, 2020

No. 2020-147 (COVID-19), Masks, July 10, 2020

No. 2020-149 (COVID-19), Temporary safety measures for food-selling establishments and pharmacies and temporary relief from requirements applicable to the renewal of licenses for the food-service industry, July 13, 2020

MIOSHA-COM-20-4

July 27, 2020

COVID-19 in Bars, Restaurants, Gas Stations, Grocery and Convenience Stores, and Other Retail – State Emphasis Program (SEP)

### **OSHA Guidance**

Guidance on Preparing Workplaces for COVID-19, 2020

### **OSHA Enforcement Memos**

Expanded Temporary Enforcement Guidance on Respiratory Protection Fit-Testing for N95 Filtering Facepieces in All Industries During the Coronavirus Disease 2019 (COVID-19) Pandemic, April 8, 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

Enforcement Guidance on Decontamination of Filtering Facepiece Respirators in Healthcare During the Coronavirus Disease 2019 (COVID-19) Pandemic, April 24, 2020

Discretion in Enforcement when Considering an Employer's Good Faith Efforts During the Coronavirus Disease 2019 (COVID-19) Pandemic, April 16, 2020

Enforcement Guidance for Respiratory Protection and the N95 Shortage Due to the Coronavirus Disease 2019 (COVID-19) Pandemic, April 3, 2020

Revised Enforcement Guidance for Recording Cases of Coronavirus Disease 2019 (COVID-19), May 19, 2020

Temporary Enforcement Guidance - Healthcare Respiratory Protection Annual Fit-Testing for N95 Filtering Facepieces During the COVID-19 Outbreak, March 14, 2020

Updated Interim Enforcement Response Plan for Coronavirus Disease 2019 (COVID-19), May 19, 2020

### **CDC Guidance – Webpage**

<https://www.cdc.gov/coronavirus/2019-ncov/communication/guidance-list.html>

### **CDC Guidance – Businesses (General)**

Interim Guidance for Businesses and Employers Responding to Coronavirus Disease 2019 (COVID-19), May 2020 (5/6/20)

Interim Guidance for Implementing Safety Practices for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19 (4/20/20)

Testing Strategy for Coronavirus (COVID-19) in High-Density Critical Infrastructure Workplaces after a COVID-19 Case Is Identified (6/13/20)

General Business Frequently Asked Questions (5/3/20)

MIOSHA-COM-20-4

July 27, 2020

COVID-19 in Bars, Restaurants, Gas Stations, Grocery and Convenience Stores, and Other Retail – State Emphasis Program (SEP)

### **Restaurants and Bars**

Learn how restaurants and bars can protect communities (6/30/20)

Restaurants and Bars Decision Tool (5/15/20)

### **CDC Guidance – Personal Protective Equipment**

Strategies to Optimize the Supply of PPE and Equipment during Shortages (7/10/20)

Decontamination and Reuse of Filtering Facepiece Respirators (4/9/20)

Healthcare Supply of Personal Protective Equipment (3/14/20)

Personal Protective Equipment When Caring for COVID-19 Patients (4/3/20)

Release of Stockpiled N95 Filtering Facepiece Respirators Beyond the Manufacturer-Designated Shelf Life: Considerations for the COVID-19 Response (3/19/20)

Strategies for Optimizing the Supply of Eye Protection (6/28/20)

Strategies for Optimizing the Supply of Facemasks (6/28/20)

Strategies for Optimizing the Supply of N95 Respirators (6/28/20)

Use Personal Protective Equipment When Caring for Patients with Confirmed or Suspected COVID-19 (4/8/20)

Using Personal Protective Equipment (PPE) (6/28/20)

July 27, 2020

COVID-19 in Bars, Restaurants, Gas Stations, Grocery and Convenience Stores, and Other Retail – State Emphasis Program (SEP)

Appendix B

INITIATIVE OUTREACH PLAN

Name of Initiative: COVID-19 in Bars, Restaurants, Gas Stations, Grocery and Convenience Stores, and Other Retail – State Emphasis Program (SEP)

Initiative Liaison: Audrey Carlstrom Telephone: 616-450-0762 Date Submitted: July 23, 2020

Check all that Apply: [ ] New/Revised Standard [ ] New Targeted Industry [x] New Targeted Hazard

Divisions Involved: [ ] Administration [x] Appeals [x] CET [x] CSHD [x] GISHD [ ] TSD

Lead Division: CET Division

Purpose/Scope:

The outreach plan details the actions that MIOSHA will complete to ensure retail establishments are aware of the SEP and measures for protecting workers from severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) which causes coronavirus disease 2019 (COVID-19).

Use this plan to determine the need for an initiative and resources required. Check appropriate actions and provide additional information as needed.

1. Policy/Procedure.

[x] New or revised MIOSHA policies, procedures, instructions, or interpretations. Please provide details for this recommendation. Attach relevant documentation.

2. Staff training.

[ ] MIOSHA staff training. (For example; a new/revised rule, measures to implement the rule, hazard(s) that initiated need for the rule and/or MIOSHA policy or procedures affected by the rules.) Please provide details for this recommendation. Attach relevant documentation.

3. Communication.

- [x] Press Release
[ ] MIOSHA News
[x] MIOSHA Website
[x] MIOSHA Messenger
[x] Gov Delivery Message
[ ] Other

4. Educational Resources.

- [ ] New DVDs for lending library and MIOSHA staff use
[ ] New reference materials for MIOSHA staff use
[x] New or revised MIOSHA Publications/Fact Sheets
[x] New or revised MIOSHA presentations/training
[ ] Other:

5. Outreach Activities.

- [x] Develop, revise, and conduct training program
[x] Targeted consultation
[ ] Seek alliances/partnerships with public or private organizations
[ ] Letters to targeted industries
[x] Targeted enforcement
[x] Other: Webinar(s)
[ ] No outreach plan is needed

6. Data Generated.

- [ ] Number of training seminars conducted
[ ] Number of employees trained
[ ] Number of consultation activities conducted (and what type)
[ ] Number of compliance inspection conducted

7. Workgroup.

[ ] Create a workgroup to develop and implement outreach plan.

Anticipated Launch Date: 07/23/20

Length of Initiative: TBD

If it is determined that an initiative is needed, submit the completed form to the division director for approval. Division director will forward to administration for approval.

Division Director: Nella Davis-Ray

Administration Approval: Date: