

MEMORANDUM

From: Elizabeth Barr Fawell
Brian D. Eyink
Mary B. Lancaster

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Re: COVID-19 Update: FDA Issues Guidance for Food and Agriculture Sector Businesses on the Use of Masks and What to Do if a Worker is Exposed to or Tests Positive for COVID-19

This memorandum summarizes two recent documents the U.S. Food and Drug Administration (“FDA”) issued for the Food and Agriculture Sector in response to the COVID-19 outbreak. The first, *“Use of Respirators, Facemasks, and Cloth Face Coverings in the Food and Agriculture Sector During Coronavirus Disease (COVID-19) Pandemic,”* is intended as a quick-reference guide on the use of respirators, facemasks, and cloth face coverings by the Food and Agriculture Sector during the pandemic. ^{1/} The second, *“What to Do if You Have COVID-19 Confirmed Positive or Exposed Workers in Your Food Production, Storage, or Distribution Operations Regulated by FDA,”* outlines key steps that employers and workers can take to help stay open, prevent and slow the spread of COVID-19, and support continuity of essential operations if workers are diagnosed with or exposed to COVID-19, or show symptoms associated with COVID-19. ^{2/}

The Use of Respirators, Facemasks, and Cloth Coverings in the Food and Agriculture Sector

The Centers for Disease Control and Prevention (CDC) advice on the use of simple cloth face coverings to slow the spread of coronavirus has led to questions to FDA from the Food and Agriculture Sector about what respirators, disposable facemasks, such as surgical or medical masks, or cloth face coverings are most appropriate for various settings. Accordingly, FDA

^{1/} Use of Respirators, Facemasks, and Cloth Face Coverings in the Food and Agriculture Sector During Coronavirus Disease (COVID-19) Pandemic (Apr. 2020), available at <https://www.fda.gov/media/137327/download> or <https://www.fda.gov/food/food-safety-during-emergencies/use-respirators-facemasks-and-cloth-face-coverings-food-and-agriculture-sector-during-coronavirus>.

^{2/} What to Do if You Have a COVID-19 Confirmed Positive or Exposed Workers in Your Food Production, Storage, or Distribution Operations Regulated by FDA (Apr. 2020), available at <https://www.fda.gov/media/137338/download> or <https://www.fda.gov/food/food-safety-during-emergencies/what-do-if-you-have-covid-19-confirmed-positive-or-exposed-workers-your-food-production-storage-or>.

developed this fact sheet, in collaboration with CDC, to provide a quick reference to these items potentially worn by workers in the Food and Agriculture Sector. As such, the guidance:

- Outlines the design and purpose for different types of face coverings;
- Reviews considerations for use of cloth face coverings, including proper wear and care;
- Reminds the Sector of the importance of hand hygiene, particularly with respect to putting on, touching, or removing face coverings;
- Advises that the use of cloth coverings should be in addition to other control measures such as social distancing practices, physical partitions or barriers, and frequent cleaning and disinfection protocols;
- Notes that cloth face coverings may be worn if the employer has determined that a respirator or a disposable facemask is NOT required based on the workplace hazard assessment. FDA also advises: “If, prior to the COVID-19 pandemic, you were required to wear a respirator or disposable facemask on the job, based on a workplace hazard assessment, you should continue to do so.”; and,
- Refers to CDC guidance [Use of Cloth Face Coverings to Help Slow the Spread of COVID-19](#).

What to Do if You Have a COVID-19 Confirmed Positive or Exposed Workers in Your Food Production, Storage, or Distribution Operations Regulated by FDA

Because it is essential that Food and Agriculture Sector operations continue during the pandemic, FDA is providing guidance to ensure employers have information to help support their workers and protect their health. This guidance document summarizes key steps that employers and workers can take to help stay open, prevent and slow the spread of COVID-19, and support continuity of essential operations if workers are diagnosed with or exposed to COVID-19, or show symptoms associated with COVID-19. This document is based on recommendations from the CDC and provides links to CDC guidance. Some of the suggestions address:

- Conducting worksite assessments to identify COVID-19 risks and prevention strategies;
- How to manage sick workers;
- How to manage the environment where sick employees were working, including cleaning, disinfecting, and sequestering areas used by sick workers; collecting information about sick workers’ contacts among co-workers, up to 2 days prior to symptom onset; notifying and providing instructions to fellow workers (while maintaining confidentiality);
- Precautions employers should consider adopting if they remain open with workers who have had a potential exposure to COVID-19 but are symptom-free (i.e., asymptomatic), including checking temperatures and assessing symptoms of workers, ideally before entering the facility or operation. FDA notes that “Critical infrastructure businesses have an obligation to limit, to the extent possible, the reintegration of in-person workers who have been exposed to COVID-19 but remain symptom-free in ways that protect the health of the worker, co-workers, and the general public. An analysis of core job tasks and workforce availability can

allow the employer to match core activities to available skilled workers who have not been exposed.”; and,

- Precautions recommended by CDC to help reduce transmission, even if there are no known exposed workers, such as providing infection control training for all workers in appropriate languages and ensuring exposed workers can practice social distancing, as recommended by the CDC.

The guidance also provides links to the Department of Labor Occupational Safety and Health Administration (OSHA’s) [Guidance on Preparing Workplaces for COVID-19](#) and [protocols](#) on this same topic development by the Food and Beverage Issues Alliance.

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We will continue to monitor FDA’s response to COVID-19. Please contact us if you have any questions regarding this or other matters.