Temporary Enforcement Guidance

Expanding Training and Certifications During the COVID-19 Outbreak

Updated: May 9, 2022

I. Purpose

This Directive provides temporary enforcement guidance for enforcing training, certifications, and pulmonary function testing as part of medical surveillance requirements during the COVID-19 outbreak.

Due to the previous Governor’s Proclamation requiring social distancing, employers were provided exceptions for reoccurring training and certification requirements of some DOSH rules. As most restrictions have been lifted, annual training and requirements are once again available, and employers need to be up to date with these requirements.

II. Scope and Application

This Directive applies to all DOSH operations statewide.

This updated temporary enforcement discretion policy supersedes DD 1.60, dated March 23, 2020.

III. References

- L&I Novel Coronavirus Outbreak (COVID-19) Resources

IV. Background

In order to help prevent the spread of COVID-19, the President’s Office, the Governor’s Office, the CDC, Washington State Department of Health, and other public health offices provided guidelines earlier in the pandemic. These guidelines included social distancing and limiting gatherings to no more than 10 individuals.

Prior to June 30, 2021, this affected the ability for employers to provide required training or obtain employee certifications. This was due in part to it not being cost effective for trainers to limit their classroom sizes to no more than 10 students, and potential hesitation on the part of attendees. Now that restrictions are decreasing, it is expected employers are in compliance with DOSH rules. However, DOSH will not cite training, certifications, and medical surveillance that expired or was delayed as of February 28, 2020 or later, until after the dates set below.

Employers are required to provide initial training to their employees prior to the start of new tasks.
V. **Enforcement Policy**

A. DOSH compliance staff will exercise enforcement discretion concerning periodic training and certifications that expired as of February 28, 2020 or later. The enforcement discretion will end for each particular type of training and certification as indicated below. If no specific instruction is indicated, enforcement discretion will end as of August 1, 2022.

The following are examples of required training and certifications, but it is not an all-inclusive listing:

- Asbestos supervisor and worker certification cards:
  - Resume training on third anniversary date of last training.
  - 6 months grace period for workers who have missed 3 trainings as of August 1, 2022.

- Audiogram certification:
  - Resume testing on third anniversary date of last test.
  - 6 months grace period for workers who have missed 3 tests as of August 1, 2022.

- Flagger certification
- First aid training
- Bloodborne pathogen training:
  - Resume based on third anniversary date of last training.
  - 6 months grace period for workers who have missed 3 trainings as of August 1, 2021.

B. DOSH compliance staff has been exercising enforcement discretion concerning the pulmonary function testing requirement of certain medical surveillance procedures. When required by an occupational safety and health standard and where applicable, employers must make pulmonary function testing (including spirometry) available to employees covered by the medical surveillance requirements of those standards as of October 1, 2022.

- Pulmonary function testing (including spirometry) is categorized as aerosol-generating procedures requiring the use of PPE, including respirators, during the COVID-19 health emergency.

- DOSH medical surveillance examinations generally require an employer pay for/make available examination components described in those standards, but the evaluating provider has the medical discretion to determine whether or not a given component is performed.

- During the COVID-19 health emergency, when determining whether to conduct spirometry as part of a medical surveillance examination, providers should, in conjunction with the employees they examine, consider the nature of the employee's occupational exposures, clinical presentation, vaccination status, risk of loss-to-follow-up, latency of manifestation of any diseases of concern, and healthcare system capacity.

- Employers can choose to require employees be vaccinated against COVID-19

C. When a compliance officer comes across a situation where the employer is unable to provide classes or receive training due to the COVID-19 virus limitations, a violation will not be cited. Instead, a message will be put in the Citation and Notice stating that although the training and certifications are not being cited at this time, the employer must come into compliance as soon as guidelines permit.
This does not pertain to the following situations:

- Initial training and certifications;
- Training that the employer provides in-house, unless personnel that normally provide the training are unavailable due to being quarantined; or
- Training and certifications that expired prior to February 28, 2020.

**D.** In cases where a violation is issued for training and certifications that expired prior to February 28, 2020, and are not provided by the employer in-house, a long abatement period can be provided and the CSHO will make sure the employer understands the abatement extension process. Supervisors will provide appropriate abatement extensions when requested.

Training that is provided in-house by the employer and is not affected due to staff quarantine, will be cited in the normal manner.

**VI. Point of Contact**

If DOSH staff have questions or need additional guidance or interpretive assistance, they are encouraged to contact Compliance Operations.

**VII. Review and Expiration**

To emphasize, this is an enforcement discretion policy, beginning from the date of this Directive, and applicable where training and certifications are hindered due to the COVID-19 outbreak. **This Directive will expire on October 1, 2022.**

Approved:  
Craig Blackwood, L&I Assistant Director  
Division of Occupational Safety and Health