

U.S. Department of Labor

Occupational Safety and Health Administration
Milwaukee Area Office
310 W. Wisconsin Avenue
Room 1180
Milwaukee, WI 53203



April 27, 2020

Marci Drenzek
Echo Lakes Food, Inc.
33102 South Honey Lake Road
Burlington, WI 53105

RE: OSHA Complaint No. 1577870

Dear Ms. Drenzek:

On April 27, 2020, the Occupational Safety and Health Administration (OSHA) received a notification of alleged workplace hazard(s) at your worksite. The specific nature of the complaint is as follows:

Workers are exposed to health hazards of COVID-19:

1. Face masks are not provided to workers. Masks are only provided to supervisors and management.
2. Employees are not spaced on the production lines to ensure six (6) feet of social distance.
3. Employee temperatures are not checked prior to entering the workplace.
4. Employees are not notified when there is an employee positive case of COVID-19, so that co-workers in direct contact with the positive employee can self-quarantine for 14 days and not expose others.
5. Employees who have been in direct contact with an employee who tested positive to COVID-19 are not tested.

Currently, there is an outbreak of COVID-19, also known as Coronavirus. At this time, OSHA is prioritizing its enforcement resources, and OSHA does not intend to conduct an on-site inspection in response to the subject complaint at this time. However, because allegations of violations and/or hazards have been made, we request that you immediately investigate the alleged concerns and make any necessary corrections or modifications. Please advise me in writing no later than May 4, 2020, of the results of your investigation. You must provide supporting documentation of your findings. This includes any applicable measurements or monitoring results, photographs/video that you believe would be helpful; and a description of

any corrective action you have taken or are in the process of taking, including documentation of the corrected condition.

In addition, OSHA is aware that the current pandemic has created an increased demand for some protective equipment, limiting availability for use in protecting workers from exposure to the virus. If this situation has prevented you from furnishing protective equipment to your employees, you should provide that documentation of the efforts you have made to obtain that equipment. Please feel free to contact the office at (414) 297-3315 if you have any questions or concerns.

This letter is not a citation or notification of proposed penalty which, according to the Occupational Safety and Health Act, may be issued only after an inspection or investigation of the workplace. It is our goal to assure that hazards are promptly identified and eliminated.

Please take immediate corrective action where needed. Depending on the specific circumstances at your worksite, several OSHA requirements may apply to the alleged hazards at your worksite including:

- 29 CFR § 1904, Recording and Reporting Occupational Injuries and Illnesses
- 29 CFR § 1910.132, General Requirements - Personal Protective Equipment.
- 29 CFR § 1910.133, Eye and Face protection.
- 29 CFR § 1910.134, Respiratory Protection.
- 29 CFR § 1910.141, Sanitation.
- 29 CFR § 1910.145, Specification for Accident Prevention Signs and Tags.
- 29 CFR § 1910.1020, Access to Employee Exposure and Medical Records.
- Section 5(a)(1), General Duty Clause of the OSH Act.

OSHA's website, <https://www.osha.gov>, is a full-service resource center, offering a wide range of safety and health-related services in response to the needs of the working public, both employers and employees. These services include training and education, consultation, voluntary compliance programs, and assistance in correcting hazards.

OSHA's Bloodborne Pathogens standard (29 CFR § 1910.1030) applies to occupational exposure to human blood and other potentially infectious materials that typically do not include respiratory secretions that may contain SARS-CoV-2 (unless visible blood is present). However, the provisions of the standard offer a framework that may help control some sources of the virus, including exposures to body fluids (e.g., respiratory secretions) not covered by the standard.

Information about these and other OSHA requirements can be found on OSHA's website at www.osha.gov/laws-regs.

If we do not receive a response from you by May 4, 2020, indicating that appropriate action has been taken or that no hazard exists and why, an OSHA inspection may be conducted.

An inspection may include a review of the following: injury and illness records, hazard communication, personal protective equipment, emergency action or response, bloodborne pathogens, confined space entry, lockout/tagout, and related safety and health issues. Please also be aware that OSHA conducts random inspections to verify that corrective actions asserted by the employer have actually been taken.

OSHA's website, www.osha.gov, offers a wide range of safety and health-related guidance in response to the needs of the working public, both employers and employees. The following guidance may help employers prevent and address workplace exposures to pathogens that cause acute respiratory illnesses, including COVID-19 illness. The guidance includes descriptions of the relevant hazards, how to identify the hazards, and appropriate control measures. Additional resources are provided that address these supply issues and contain industry-specific guidance.

1. For OSHA's latest information and guidance on the COVID-19 outbreak, please refer to OSHA's COVID-19 Safety and Health Topics Page (S&HTP) located at www.osha.gov/coronavirus
2. Preventing Worker Exposure to Coronavirus (COVID-19), (OSHA publication 3989), www.osha.gov/Publications/OSHA3989.pdf
3. Guidance on Preparing for COVID-19, (OSHA publication 3990), www.osha.gov/Publications/OSHA3990.pdf

The Centers for Disease Control and Prevention (CDC) also maintains a website that provides information for employers concerned with COVID-19 infections in the workplace. The CDC has provided specific guidance for businesses and employers at the following CDC webpage, which is updated regularly:

<https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html>.

1. For general information and guidance on the COVID-19 outbreak, please refer to the CDC's main topic webpage at www.cdc.gov/coronavirus/2019-ncov/index.html.
2. For the CDC's information and guidance on the seasonal flu, please refer to their webpage located at www.cdc.gov/flu/about/index.html.

The CDC is recommending employers take the following steps to prevent the spread of COVID-19:

- **Actively encourage sick employees to stay home.**
- **Accommodate sick employees through separation or telework (if possible)**
- **Emphasize respiratory etiquette and hand hygiene by all employees**
- **Perform routine environmental testing**
- **Check government websites (CDC, State Department) for any travel advisories (where applicable)**
- **Plan for infection disease outbreaks in the workplace**

The concerned party involved has been advised of OSHA's response and has been provided with a copy of this letter. Section 11(c) of the Occupational Safety and Health Act provides protection for employees against discrimination because of their involvement in protected safety and health related activity.

You are requested to post a copy of this letter where it will be readily accessible for review by all of your employees, and to return a copy of the signed Certificate of Posting (attached) to this office. In addition, you are requested to provide a copy of this letter and your response to a representative of any recognized employee union or safety committee that exist at your facility. Failure to do this may result in an on-site inspection. The complainant has been furnished a copy of this letter and will be advised of your response. Section 11(c) of the Occupational Safety and Health Act provides protection for employees against discrimination because of their involvement in protected safety and health related activity.

Please feel free to contact the Area Office at (414) 297-3315 if you have questions or concerns. I appreciate your personal support and the interest in the safety and health of your employees.

Sincerely,

Christine Zortman
Area Director

Attachment

Attachment A

**CERTIFICATE OF POSTING
OSHA NOTIFICATION OF ALLEGED HAZARD(S)**

Employer Name: Echo Lakes Food, Inc.
Complaint Number: 1577870

Date of Posting: _____

Date Copy Given to an Employee Representative: _____

On behalf of the employer, I certify that, on _____, a copy of the complaint letter received from the Occupational Safety and Health Administration (OSHA) was posted in a place where it is readily accessible for review by all employees, or near such location where the violation occurred, and such notice has been given to each authorized representative of affected employees, if any. This notice was or will be posted for a minimum of ten (10) days or until the hazardous conditions referenced in the letter are corrected.

Signature

Title
