



Hogan Lovells US LLP
Columbia Square
555 Thirteenth Street, NW
Washington, DC 20004
T +1 202 637 5600
F +1 202 637 5910
www.hoganlovells.com

MEMORANDUM

From: Elizabeth Barr Fawell
Brian D. Eyink
Christine Forgues

Date: May 14, 2020

Re: COVID-19 Update: California Issues Industry Guidance for Facilities that Process or Pack Meat, Dairy, and Produce

The California Department of Public Health (CDPH) recently issued a COVID-19 industry guidance intended for facilities that process or pack meat, dairy, or produce to support a safe and clean environment for workers.¹ In general, the recommendations provided by CDPH are generally consistent with the interim guidance for meat and poultry processing workers and employers issued by the Center for Disease Control and Prevention (CDC) and Occupational Safety and Health Administration (OSHA), although the documents are not identical.² In contrast to the CDC/OSHA Interim Guidance, which is specific to meat and poultry employers, the CDPH Guidance is wider in scope and applies to packers and processors of meat, dairy, and produce.³

This memorandum provides a general overview of the topics covered in the CDPH guidance.

CDPH Industry Guidance for Food Packing and Processing

Key topics and recommendations included in the CDPH Guidance include the following:

- **Worksite Specific Plan.** Facilities should establish a written, worksite-specific COVID-19 prevention plan at every facility, perform a comprehensive risk assessment of all work areas, and designate a person at each facility to implement the plan. The plan should identify local health department contacts, and facilities should train and communicate to employees about the plan. Facilities should regularly evaluate illnesses and evaluate the workplace for compliance and perform updates to the plan as appropriate. The guidance recommends

¹ California Department of Health COVID-19 Industry Guidance: Food Packing and Processing (May 12, 2020) <https://covid19.ca.gov/pdf/guidance-food-packing.pdf> (“CDPH Guidance”); see also Cal/OSHA COVID-19 General Checklist for Meat, Dairy, or Produce Packing or Processing (May 7, 2020) <https://covid19.ca.gov/pdf/checklist-food-packing.pdf>.

² See *HL Memo - COVID-19 update: CDC and OSHA Release Interim Guidance for Meat and Poultry Processing Workers and Employers* (April 27, 2020) <https://bit.ly/3cymemK> (“CDC/OSHA Interim Guidance”).

³ This memorandum is offered for general information and educational purposes. It is not offered as, intended as, and does not constitute legal advice. It is not intended to create, and receipt of it does not constitute, a lawyer-client relationship.

employers investigate any COVID-19 illness and determine if any work-related factors could have contributed to risk of infection. In addition, it recommends identifying close contacts and taking steps to isolate COVID-19 positives employees and close contacts. The CDPH Guidance goes beyond the CDC/OSHA Interim Guidance by expressly defining “close contact” with an exposed individual as contact “within six feet for 15 minutes or more.”

- Topics for Employee Training. The guidance recommends employee training on topics including information on COVID-19 generally, self-screening at home, the importance of not coming to work if employees show symptoms, seeking medical attention if symptoms become severe, the importance of hygiene and hand-washing, physical distancing, proper use of face coverings, training of temporary and/or contract workers, and information on employer or government-sponsored leave benefits.
- Individual Control Measures and Screening. Facilities should implement temperature and/or symptom screening for all workers at the beginning of their shift and for personnel entering the facility. Self-screening also is identified as an appropriate alternative if performed in accordance with CDC guidelines.⁴ Employers should provide and ensure all workers use required personal protective equipment (PPE), including face coverings and gloves as necessary, and consider alternate interventions if appropriate, e.g., use of disposal gloves to supplement hand washing.
- Cleaning and Disinfecting Protocols. Facilities should perform thorough cleaning in high traffic areas and implement disinfection procedures in non-production areas to support enhanced hygiene practices. All tools, equipment, controls, and delivery vehicles and equipment should be cleaned between shifts, between users, or before and after routes/usage. Workers should avoid sharing work tools and equipment and should ensure that all reusable PPE is sanitized appropriately. Facilities should provide for additional time for cleaning, stagger breaks to maintain physical distancing, and modify offerings in on-site cafeterias, e.g., offering prepackaged foods and drink, including condiments. Cleaning chemicals should be EPA-approved and employees should be adequately trained on their use.⁵ Employers should consider installing portable high-efficiency air cleaners, and evaluate how fans affect workers’ breathing zones.
- Physical Distancing Guidelines. Facilities should implement measures to ensure physical distancing of at least six feet between workers whenever possible in all directions, and modify the alignment so that workstations are not facing one another. Installation of physical barriers to separate workers should be considered, as well as one-way paths to avoid close contact. Facilities should consider whether increasing the number of shifts in a day, slowing of line speeds, and/or spacing out workers is appropriate. Companies should also consider cohorting workers, staggering break times, limiting meeting participants, instituting non-contact deliveries, and encouraging workers to avoid carpooling.
- Additional Guidelines. The California Department of Food and Agriculture (CDFA) COVID-19 Website provides additional industry guidance for the agricultural and livestock industry, retail food, beverage, and service venues, livestock markets, equestrian facilities, farmers markets,

⁴ CDC Symptoms of Coronavirus (May 13, 2020) <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>.

⁵ EPA List N: Disinfectants for Use Against SARS-CoV-2 (last upd. May 7, 2020) <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2>.

farms and ranches, nurseries, meat and poultry processing facilities, and other related facilities.⁶

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We will continue to monitor federal and State government responses to COVID-19. Should you have any questions or if we can be of assistance with your COVID-19 response strategy, please do not hesitate to contact us.

⁶ CDFA Resources for Food and Agriculture,
<https://www.cdfa.ca.gov/coronavirus/#infrastructure>.