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## MEMORANDUM

**From:** Gary Jay Kushner  
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**Date:** April 9, 2020

**Re: COVID-19 Update: CDC Issues Interim Guidance on Safety Practices for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19**

The Centers for Disease Control and Prevention (CDC) has issued interim guidance identifying situations in which CDC believes critical infrastructure workers can continue to work despite exposure to individuals with suspected or confirmed COVID-19.<sup>1/</sup> This guidance refines earlier CDC recommendations and provides tailored advice for critical infrastructure industries.<sup>2/</sup> The CDC's guidance applies to workers in the food and agriculture industries, which are among the 16 sectors designated as critical infrastructure industries.<sup>3/</sup> It includes recommendations for both employees and employers, which are discussed below.

In the guidance, CDC advises that, to ensure continuity of operations of essential functions, critical infrastructure workers may be permitted to continue to work after potential exposure to COVID-19, provided they remain asymptomatic and additional precautions are implemented to protect them and the community. The guidance defines a potential exposure as a household contact or having close contact within 6 feet of an individual with a confirmed or suspected case of COVID-19. It also provides CDC's perspective on how much of an individual's pre-symptomatic period to consider when evaluating another person's potential COVID-19 exposure. As identified by CDC, the

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<sup>1/</sup> Interim Guidance for Implementing Safety Practices for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19 (Apr. 8, 2020), available at <https://www.cdc.gov/coronavirus/2019-ncov/community/critical-workers/implementing-safety-practices.html>. See also Essential Critical Workers Do's and Don't's, available at [https://www.cdc.gov/coronavirus/2019-ncov/downloads/Essential-Critical-Workers\\_Dos-and-Donts.pdf](https://www.cdc.gov/coronavirus/2019-ncov/downloads/Essential-Critical-Workers_Dos-and-Donts.pdf).

<sup>2/</sup> CDC previously released general guidance stating that individuals who feel healthy but recently had close contact with a person with COVID-19 should stay home for 14 days and self-monitor. See Social Distancing, Quarantine, and Isolation: Keep Your Distance to Slow the Spread, available at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html>.

<sup>3/</sup> See Advisory Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response (Mar. 28, 2020), available at [https://www.cisa.gov/sites/default/files/publications/CISA\\_Guidance\\_on\\_the\\_Essential\\_Critical\\_Infrastructure\\_Workforce\\_Version\\_2.0\\_Updated.pdf](https://www.cisa.gov/sites/default/files/publications/CISA_Guidance_on_the_Essential_Critical_Infrastructure_Workforce_Version_2.0_Updated.pdf).

timeframe for having contact with an individual includes the period of time of 48 hours before the individual became symptomatic.

The CDC advises that critical infrastructure workers who have had an exposure, but remain asymptomatic, may be permitted to continue to work, as long as the following practices are adhered to before and during their work shift:

- **Pre-Screen:** Employers should measure the employee's temperature and assess the employee's symptoms prior to them starting work. In CDC's view, the temperature checks ideally would take place before the employee enters the facility.
- **Regular Monitoring:** As long as the employee does not have a temperature or any symptoms, the employee should self-monitor under the supervision of the employer's occupational health program.
- **Wear a Mask:** The employee should wear a face mask at all times while in the workplace for 14 days after the last exposure. Employers can issue facemasks or, in the event of shortages, can approve employee supplied cloth face coverings.
- **Social Distance:** The employee should maintain 6 feet of separation from others and practice social distancing as work duties permit in the workplace.
- **Disinfect and Clean Work Spaces:** All areas such as offices, bathrooms, common areas, and shared electronic equipment should be cleaned and disinfected routinely.

In addition, the CDC advises that if the employee becomes ill during the day, the employee should be sent home immediately, and surfaces in the employee's workspace should be cleaned and disinfected. Information should be compiled on the individuals who had contact with the ill employee during the time the employee had symptoms and 2 days prior to the symptoms. Other individuals at the facility with close contact within 6 feet of the employee during this timeframe should be considered exposed. The CDC also advises employers to implement the recommendations in its Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019. <sup>4/</sup>

The guidance also offers the following additional considerations related to decreasing the risk of workplace transmission (these considerations are general considerations and not necessarily tailored to the food industry):

- Employees should not share headsets or other objects that are near the mouth or nose.
- Employers should increase the frequency of cleaning commonly touched surfaces.
- Employees and employers should consider pilot testing the use of face masks to ensure they do not interfere with work assignments.
- Employers should work with facility maintenance staff to increase air exchanges in rooms.
- Employees should physically distance when they take breaks together. Stagger breaks and do not congregate in the break room or share food or utensils.

\* \* \*

We will continue to monitor the federal and state response to COVID-19. Should you have any

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<sup>4/</sup> Available at <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>.

questions or if we can be of assistance with your COVID-19 response strategy, please contact us.