



Department of Consumer & Business Services

August 28, 2021

Workplace Advisory Memo 8.28.21

Facial Covering Requirements in Relation to Vendors and Exhibitors at the Oregon State Fair and Similar Events

OAR 437-001-0744(3)(b) requires employers to implement the requirements of OAR 333-019-1025, the Oregon Health Authority's rule requiring facial coverings in most indoor and outdoor spaces.

In relation to vendors, exhibitors, and other employers at the Oregon State Fair or similar events, Oregon OSHA will take into account previous contact by the venue operator or other state and local agencies when documenting and characterizing violations during an inspection.

Under the Oregon Safe Employment Act and Oregon OSHA's rules related to penalty calculation, the minimum penalty for a serious violation is \$100 and the maximum penalty is \$12,675. Penalties are typically determined based on the severity and probability of the violation cited, as well as upon the size of the employer.

However, a willful violation – including situations where the employer is aware of the requirement and chooses to continue to operate in violation of it – carries a minimum penalty of \$8,900 and a maximum penalty of \$126,749.

Vendors, exhibitors, and other similar employers should therefore be aware that violations will be characterized as "willful" violations if Oregon OSHA concludes that the employer was made aware of the facial covering requirements – including direction received from the operator of the venue – and continued to disregard the violation. This is distinct from whatever sanction or enforcement mechanisms may be available to the venue operator as part of the contractual relationship.