

DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION NOTICE OF PROPOSED GUIDANCE DOCUMENTS

Pursuant to section 227.112 of the Wisconsin Statutes, the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) is hereby accepting comments on the proposed guidance document:

DATCP Cooperating with Business COVID-19 Prevention Steps

LOCATION OF PROPOSED GUIDANCE

Proposed guidance document may be reviewed by accessing:

https://datcp.wi.gov/Pages/About_Us/GuidanceDocuments.aspx

SUBMITTING PUBLIC COMMENTS

Public comments on proposed or adopted guidance document may be submitted by accessing:

https://datcp.wi.gov/Pages/About_Us/GuidanceDocuments.aspx

DEADLINE FOR SUBMISSION

The comment period will run no fewer than 21 days after the publication of this document in the Administrative Register.

AGENCY PUBLICATION

The attached guidance document contains statements or interpretations of law under the following applicable provisions of federal law or the applicable state statutory or administrative code provisions: Wis. Stat. chs. 93.07(1) and 93.08, Wis. Admin. Code, chs. 55-89.

CERTIFICATION

Pursuant to the authority delegated to me by the Secretary, I have reviewed the attached guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.



_____05-28-2020_____

Steve Ingham
Administrator
Division of Food and Recreational Safety



Wisconsin Department of Agriculture, Trade and Consumer Protection

Division of Food and Recreational Safety

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GUIDANCE DOCUMENT

Guidance Document Title: DATCP Cooperating with Business COVID-19 Prevention Steps

This guidance document is based on Wis. Stat. ch. 93.07(1) and 93.08 and chapter(s) ATCP 55-89 Wis. Admin. Code. This document is intended solely as guidance, and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations, and is not finally determinative of any of the issues addressed.

52 (DFRS)

Steven C. Ingham

May 28, 2020

Steven Ingham, Ph.D. - Administrator, Division of Food and Recreational Safety

DATE

Contributors:



Division of Food and Recreational Safety

May 11, 2020

DATCP Cooperating with Business COVID-19 Prevention Steps

At your business, you may have Sanitation Standard Operating Procedures (SSOPs) or other practices in place to prevent transmission of COVID-19. When doing their jobs, staff from the Department of Agriculture, Trade and Consumer Protection (DATCP) want to cooperate with your efforts.

When DATCP staff return to work at a regulated business, they are to follow the SSOPs or related personal hygiene requirements the business has established for employees and visitors. Generally, DATCP staff are to wear any protective personal equipment (e.g., surgical masks) or hygienic clothing (e.g., boot covers) that are provided by the business or are required by the business and already part of DATCP staff normal attire.

In some situations, where DATCP staff believe that garments or equipment provided by the business create a significant safety hazard (e.g., boot covers that are slippery when worn over boots), staff will work with the business to reach a mutually acceptable alternative.

Some businesses may not have SSOPs or personal hygiene requirements, but they do have requirements intended to protect their staff from contracting contagious illnesses. During the COVID-19 pandemic, DATCP staff will accommodate industry requests to conduct a temperature screening of a DATCP employee using a body surface temperature monitor as long as the business conducts the temperature screening in accordance with the Centers for Disease Control

and Prevention (CDC) and Occupational Safety and Health Administration (OSHA) guidance to meat and poultry processing plant workers and employers. However, businesses are prohibited from retaining a DATCP employee's protected health information, including temperature readings.

The CDC/OSHA guidance recommends screeners wear appropriate PPE, screeners be trained to use temperature monitors, and temperature monitors be accurate under conditions of use. Per this guidance, DATCP also will accommodate verbal screening of its staff by industry to determine whether staff have experienced fever, felt feverish, or experienced chills, coughing, or difficulty breathing within the past 24 hours. Please note that the temperature definition for "fever" is 100.4 degrees or higher.

[Review the CDC/OSHA guidelines](#). You may want to pay special attention to the sections titled "screening of workers for COVID-19," "managing sick workers" and "workers' rights."

IMPORTANT: *If DATCP staff observe that a business is not following CDC/OSHA guidelines, or they have questions about following a business's procedures, they will not enter the business.*

Special information about temperature checks

If a DATCP staff member submits to a temperature check that results in a temperature of 100.4 degrees



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or higher, the staff member has been directed to notify their supervisor, go home and contact their healthcare provider. The staff member will not return to work until they are free of fever, signs of a fever, *and* respiratory symptoms (e.g., cough, shortness of breath) for at least 72 hours without the use of fever-reducing medicine *and* 10 days

have passed since symptoms first appeared.

DATCP is following these steps because they are critical to avoid passing the virus to others, since people remain contagious even after their symptoms subside. [Learn more about COVID-19 symptoms and responses.](#)



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