

DOUBLE THE MASK, DOUBLE THE PROTECTION? WHAT EMPLOYERS SHOULD KNOW ABOUT CDC'S LATEST DOUBLE-MASK GUIDANCE

Insights
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Since the COVID-19 pandemic began, the Centers for Disease Control and Prevention (CDC) has recommended the use of a face mask to help stop the spread of the virus. State and local governments followed suit, in some cases issuing directives requiring masks be worn in public areas, including the workplace. Yesterday, the CDC released [a new report](#) and guidance urging Americans to “double-mask” — wearing a cloth mask over a surgical mask — to slow the spread of COVID-19 and the more contagious variants of the virus. While the CDC’s latest guidance merely encourages double-masking, employers may want to track this recent development so that you are prepared to quickly pivot if compliance changes take place. Here’s what employers need to know about the February 10 release.

What Employers Need To Know

The CDC’s guidance followed the release of an agency study that found double-masking can significantly protect wearers from aerosolized particles. According to the CDC, Americans should ensure that masks fit tightly on their face and have layers to improve protection from the coronavirus. The CDC suggests two methods to do that, including double-masking (wearing a surgical mask beneath a cloth mask) or improving the fit of a single surgical mask by knotting the ear loops and tucking in the sides close to the face to prevent air from leaking out around the edges and to form a closer fit.

Either double masking or tightening a mask’s fit reduced exposure to aerosols that could be infectious by about 95%,

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the research concluded. The key takeaway of the new guidelines is mask fit, which can greatly prevent the spread of COVID-19 when combined with other protective measures, such as physical distancing, avoiding crowds and poorly ventilated indoor spaces, and good hand hygiene. So what does this mean for employers?

What Should Employers Do?

The CDC's new guidance does not mean that you can or should force all workers to double-mask, as there are numerous issues you might face if mandating double-masking. One such issue involves worker safety. Under the federal Occupational Safety and Health Act, employers have a general duty to provide a workplace free from recognized hazards likely to cause serious physical harm or death. Wearing two face masks may create safety hazards that employers must address, such as:

1. *Obstructed Peripheral Vision.* Double-masking may obstruct peripheral vision for some workers or "steam up" their safety glasses which could lead to injury. For instance, this may impact workers who perform safety-sensitive tasks such as operating forklifts and other types of mobile equipment.
2. *Breathing Impediments.* One drawback of wearing two masks, according to the CDC's latest guidance, is that the multiple layers of material could make it more difficult to breathe. Consequently, if workers are having trouble breathing while wearing one mask, in particular those workers with underlying respiratory or cardiac health conditions, adding another may not be the best option.
3. *Caught-in Hazards.* One face mask, let alone two, could be caught in machinery and seriously injure employees. Many employers prohibit jewelry, skirts and long hair for this reason. Consequently, if your workplace presents these types of hazards, you might want to consult with a safety professional who can advise on whether double-masking should be permissible in your facility or whether other steps should be taken.
4. *False Sense of Security.* Workers may presume that they cannot spread or contract COVID-19 on account of double-masking. Keep in mind, however, the CDC noted in its guidance that double-masking doesn't necessarily mean double protection.

As such, employers should evaluate the specific circumstances of their workplace when determining whether they should require or allow double-masking. If double-masking is required, you should make sure a policy is introduced which enforces the policy across the board and in a manner that does not discriminate against any workers based on a protected status, such as age, religion or disability.

Conclusion

Bottom line, when making a decision about double-masking, you should consider the hazards of your specific situation. Importantly, you should continue following the CDC's, OSHA's and other state and local guidelines on the use of face masks as part of a comprehensive set of measures, including social distancing, to reduce the spread of COVID-19 in the workplace.

We will continue to monitor developments related to the COVID-19 and related workplace questions that arise. Make sure you are subscribed to [Fisher Phillips' alert system](#) to get the most up-to-date information. For further information, contact your Fisher Phillips attorney or any member of our [Workplace Safety and Catastrophe Management Practice Group](#).

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