CDC’s U-Turn Puts Business in ‘Damned If You Do’ Bind (1)

- Home Depot and others aren’t immediately relaxing mask rules
- Retail workers have faced risks enforcing company mandates

By Richard Clough, Matthew Boyle and Emma Court | May 14, 2021 7:56AM ET

(Updates with comments from Fauci in seventh paragraph, Walensky in 12th paragraph, automakers in 15th paragraph.)

Companies are rushing to assess their mask policies after a sudden announcement by U.S. officials put newly relaxed federal guidelines in conflict with the rules at many businesses.

Home Depot Inc. and TJX Cos. said they don’t immediately plan to change their policies advising face coverings be worn inside their stores, while Macy’s Inc., Levi Strauss & Co. and Gap Inc. said they’re reviewing the new guidance. The National Restaurant Association is also looking at the recommendations and is evaluating its Covid-19 operating guidance and best practices for restaurants, while some banks are indicating they’ll continue to require face coverings -- at least for now.

Many companies were caught off-guard Thursday when the head of the U.S. Centers for Disease Control and Prevention said fully vaccinated Americans can largely do away with wearing masks and social distancing. While formal guidance still recommends masks while flying on planes, riding public transportation and visiting health-care facilities, the change could encourage people to go maskless in stores, restaurants, offices or other crowded places.

On a conference call Thursday, Walt Disney Co. Chief Executive Officer Bob Chapek called the CDC announcement “big,” saying he expects an immediate increase in theme park customers. He also said on Bloomberg Television that he expects a mask-loosening policy for both customers and workers as its parks ramp up in the crucial summer months.

“We think that’s in the future for us -- in the near future, in fact,” he said in the interview. “It’s going to make for a much more comfortable experience this summer in the heat and humidity of Walt Disney World in Orlando.”

Fellow amusement-park operator Six Flags Entertainment Corp. said it’s reviewing the latest guidance and will “make adjustments to our mask policy as warranted.”

Anthony Fauci, chief medical adviser to President Joe Biden, in a Friday interview on MSNBC called the guidance on indoor masks in particular “a major step towards trying to get us back to a degree of normality, which will be progressive as we get further and further into the late spring and early summer as more and more people get vaccinated.”

While Biden on Thursday described the CDC’s move as a pandemic milestone because it represented such a major relaxation of precautions for many Americans, the federal health
recommendations lacked specifics that could help businesses implement new masking and social distancing policies.

The onus is now on them to figure out how to integrate these new recommendations into operations, said Amesh Adalja, a senior scholar at the Center for Health Security at Johns Hopkins.

Retail Policy

The revision creates new challenges for retail workers in particular, many of whom have had to confront uncooperative customers while enforcing mask policies. Many retail and restaurant chains adopted mask requirements for customers in the early stages of the pandemic, and some companies have offered bonuses to frontline workers in acknowledgment of the health and safety risks they have faced.

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The CDC’s guidelines are suggestions for behavior, but they don’t have the force of law. Ground-level decisions on when and where masks must be worn will now rest with states, local governments and businesses, who will have to decide whether to maintain or relax their masking mandates, and what mix of carrots and sticks they will use to compel compliance.

CDC Director Rochelle Walensky described the new guidance as a necessary “first step,” even as she warned that circumstances on the ground in areas of the U.S. might warrant added caution.

“We really do need to understand that this country is not uniform,” Walensky said Friday on NBC’s “Today” show. “There are places in this country that still have higher rates of disease; there are places in this country that still have lower rates of vaccination.”

The CDC will now work on revising its guidance on “a wide range of settings and areas,” including travel, schools, summer camps and child care.

Waiting for OSHA

Automakers Ford Motor Co., General Motors Co. and Stellantis NV, the former Fiat Chrysler, all said they’re keeping mask policies in place in their facilities for now. “We will review the latest guidance from the CDC and await guidance from OSHA, which has jurisdiction over workplaces,” GM said in a statement Thursday.

The federal Occupational Safety and Health Administration hasn’t substantially updated its guidance on masks since Jan. 29 and didn’t respond to a request for comment Thursday.

California utility giant PG&E Corp. said it’s waiting for an update from the state, which could come next week, before making any changes to its policies.

“While we are encouraged by the developments of the updated guidance CDC issued, our Covid-19 safety workforce policies and rules on face coverings are dictated by Cal/OSHA regulations,” spokeswoman Angela Lombardi said. “We are closely tracking a proposed update to Cal/OSHA regulations, which will be up for hearing on May 20.”

In Puerto Rico, top health official Carlos Mellado said its citizens should continue using masks for now, diverging from CDC guidance. “This is not the time to let our guard down, it’s time to remain firm and strict and end this pandemic,” he said in a statement posted on Facebook.
While many companies stuck with their mask mandates earlier this year after states such as Texas and Mississippi ended requirements, the nationwide change could make it tougher for companies to have inconsistent rules.

‘Moving Slowly’

Wingers CEO Eric Slaymaker said his restaurant chain is “moving slowly” with its guidelines because he operates in several states with differing rules, including those that have recently lifted their mask requirement.

“In those cases, many servers are continuing to wear a mask, and we always make sure that if a table asks for their server to wear a mask, we gladly and readily comply,” he said.

Dickey’s Barbecue Restaurants Inc. said food handlers will continue to wear masks. Customers can choose not to have one on.

“While we encourage masks, especially for those who are not yet vaccinated, we won’t be changing any policies and will leave the decision to wear or not wear a mask up to our guests,” CEO Laura Rae Dickey said in a statement.

The CDC decree puts retailers in a “damned if you do, damned if you don’t” situation, said Jim Hertel, a senior vice president at retail industry consultant Inmar Intelligence.

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“Unless shoppers are walking around with their vaccination card, you run the risk of alienating people if you have a strict mask-wearing policy,” he said. “On the other hand, if you take everyone at their word, it creates uneasiness on behalf of people who say ‘Hey, these people have no mask on, how do I know they’ve been vaccinated?’”

‘Challenging Summer’

The concern may mitigate as the year progresses and more Americans get vaccinated, he said, but it will make for a “challenging summer.”

Retail workers still need protection, since “they have no way of knowing whether customers who are not wearing masks have been vaccinated,” said Stuart Appelbaum, president of the Retail, Wholesale and Department Store Union, or RWDSU. “These workers, many of whom are essential, may be exposed both to the virus and to unnecessary stress. We must encourage customers in high trafficked areas to continue wearing masks.”

PNC Financial Services Group Inc. said in a statement that it currently requires customers and employees to socially distance and wear face coverings on its premises regardless of local regulations. It said it would review the new CDC guidance “to determine potential policy changes.”

Meanwhile, Regions Financial Corp. will continue to have employees wear masks in its offices and its branches. It will request customers do the same.