



# 2021 Priorities for Cal/OSHA and the current Covid-19 Prevention Program

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DAN LEINER, AREA MANAGER

[Sfvconsultation@dir.ca.gov](mailto:Sfvconsultation@dir.ca.gov)

# COVID-19 Regulation Web Links

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Additional information can be found on the Cal/OSHA website:

## Regulations

- [www.dir.ca.gov/OSHSB/documents/Jun172021-COVID-19-Prevention-Emergency-txtcourtesy-Readoption.pdf](http://www.dir.ca.gov/OSHSB/documents/Jun172021-COVID-19-Prevention-Emergency-txtcourtesy-Readoption.pdf)

## COVID-19 Prevention Program (CPP) Sample Program

- [www.dir.ca.gov/dosh/dosh\\_publications/CPP.doc](http://www.dir.ca.gov/dosh/dosh_publications/CPP.doc)

## FAQs

- Original FAQs: [www.dir.ca.gov/dosh/coronavirus/COVID19FAQs.html](http://www.dir.ca.gov/dosh/coronavirus/COVID19FAQs.html)
- Revised FAQs: [www.dir.ca.gov/dosh/coronavirus/Revisions-FAQ.html](http://www.dir.ca.gov/dosh/coronavirus/Revisions-FAQ.html)

# Why the Revision?

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- Reflects the availability of vaccinations to limit workplace transmission
- To revise requirements in light of updated Centers for Disease Control (CDC) and California Department of Public Health (CDPH) face covering guidance
- To provide options for employers to make a safe transition from physical distancing and face covering mandates to more normal back to work operations

# The Five COVID-19 Sections

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- 3205, *COVID-19 Prevention*
- 3205.1, *Multiple COVID-19 Infections and COVID-19 Outbreaks*
- 3205.2, *Major COVID-19 Outbreaks*
- 3205.3, *COVID-19 Prevention in Employer-Provided Housing*
- 3205.4, *COVID-19 Prevention in Employer-Provided Transportation*

# The Main Changes

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- Fully vaccinated employees without symptoms do not need to be tested or quarantined after close contacts with COVID-19 cases unless they have symptoms
- No face covering requirements outdoors (except during outbreaks), regardless of vaccination status, though workers must be trained on CDPH recommendations for outdoor use of face coverings
- Employers may allow fully vaccinated employees not to wear face coverings indoors, but must document their vaccination status

# The Main Changes

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- Employers must provide unvaccinated employees with approved respirators (N95) for voluntary use when working indoors or in a vehicle with others, upon request
- Employers may not retaliate against employees from wearing face coverings
- No physical distancing or barrier requirements regardless of employee vaccination status, with some exceptions

# The Main Changes

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- No physical distancing requirements whatsoever in the employer-provided housing and transportation regulations
- Where all employees are vaccinated in employer-provided housing and transportation, employers are exempt from those regulations
- Employers must evaluate ventilation systems to maximize outdoor air and increase filtration efficiency, and evaluate the use of additional air cleaning systems

# The Main Changes

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There are requirements from the November 2020 ETS that will remain in place:

- An effective written COVID-19 Prevention Program
- Providing effective training and instruction to employees
- Providing notification to public health departments of outbreaks
- Providing notification to employees of exposure and close contacts
- Requirements to offer testing after potential exposures
- Requirements for responding to COVID-19 cases and outbreaks
- Quarantine and exclusion pay requirements



# Is Documentation Required for a Fully Vaccinated Employee to Work Without a Face Covering Indoors?

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## Yes

1. Employees provide proof of vaccination (vaccine card, image of vaccine card or health care document showing vaccination status) and employer maintains a copy
2. Employees provide proof of vaccination and employer maintains a record of the employees who presented proof, but not the vaccine record itself
3. Employees self-attest to vaccination status and employer maintains a record of who self-attests

# What if the Employee Declines to State Their Vaccination Status?

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- An employer is not obligated to require employees to submit proof of being fully vaccinated
- Absent such a requirement, an employee has the right to decline to state if they are vaccinated or not
- In that case, the employer must treat the employee as unvaccinated and must not take disciplinary or discriminatory action against the employee

# What Is Coming Next?

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- Permanent COVID-19 Regulation
  - Current ETS expires on January 14, 2022
    - One more readoption/update allowed
  - Standards Board: [www.dir.ca.gov/oshsb/oshsb.html](http://www.dir.ca.gov/oshsb/oshsb.html)
  - OSHSB COVID-19 Advisory Committee (includes draft of permanent regulation language): [www.dir.ca.gov/dosh/DoshReg/covid-19-emergency-standards](http://www.dir.ca.gov/dosh/DoshReg/covid-19-emergency-standards)
- Federal OSHA Proposed ETS ([www.osha.gov](http://www.osha.gov))
  - Vaccine/Testing Requirements
  - ETS has been submitted for review
  - Will go into effect when published in the Federal Register
  - State OSHA Plans will need to adopt the ETS within 30 days
    - Cal/OSHA Adoption Process (Horchner)

# Occupational Safety & Health Standards Board (OSHSB)

The mission of the Occupational Safety & Health Standards Board is to promote, adopt, and maintain reasonable and enforceable standards that will ensure a safe and healthful workplace for California workers.

The Occupational Safety & Health Standards Board, a seven-member body appointed by the Governor, is the standards-setting agency within the Cal/OSHA program. The Standards Board's objective is to adopt reasonable and enforceable standards at least as effective as federal standards. The Standards Board also has the responsibility to grant or deny applications for variances from adopted standards and respond to petitions for new or revised standards. The part-time, independent board holds monthly meetings throughout California.

## What's

- [Oct 21, 2021 Board Meeting Agenda](#) 
- [Nov. 18, 2021 Board Meeting Notice](#)  - No Public Hearing Items
- [Occupational Safety and Health Standards Board Votes to Adopt Revised COVID-19 Prevention Emergency Temporary Standards](#)  
*Revisions Account for Rising Vaccination Rates, Offer Guidance to Help Businesses Reopen while Maintaining Strong Worker Protections*  
*Revised Emergency Temporary Standards Effective Today*
- [Emergency Regulation - COVID-19 Prevention](#) \*updated June 17, 2021
- [Monthly Board Meetings now available for video and audio stream in English and Spanish](#)

### Quick Links

#### Popular Pages

- ▶ [Standards Board Public Hearings](#)
- ▶ [Rulemaking proposals scheduled for hearing or adoption](#)
- ▶ [Recently Approved Standards](#)
- ▶ [The Petition Process](#)
- ▶ [The Variance Process](#)
- ▶ [Public Records Request](#)

#### Search for Regulations

- ▶ [Search for Cal/OSHA Regulations](#)
- ▶ [Title 8 Index](#)

#### Advisory Meetings

- ▶ [Upcoming Advisory Committees](#)
- ▶ [Recent Cal/OSHA Advisory Committees](#)

## Attend an Advisory Meeting

The Cal/OSHA Advisory Committee meets periodically, for your information [a list of meetings and their venues is available](#). For more information contact DOSH Communications at [DOSHCommunications@dir.ca.gov](mailto:DOSHCommunications@dir.ca.gov), or call 714-558-4232.

### Subject-matter advisory meetings

8 CCR Section	Subject	Meeting dates & locations	Staff contact
5199	<a href="#">Aerosol Transmissible Diseases</a>	<b>October 14, 2021</b> <b>10 am – 2 pm</b>  Virtual Meeting	<a href="#">Kevin Graulich</a> 714-662-6730  <a href="#">Garrett Keating</a> 510-286-6874
5155	<a href="#">Airborne Contaminant Permissible Exposure Limits (PELs)</a>	TBA	<a href="#">Garrett Keating</a> 510-286-6874  <a href="#">Kevin Graulich</a> 714-662-6730
New Section	<a href="#">Antineoplastic Drugs in Healthcare</a>	TBA	<a href="#">Grace Delizo</a> 619-278-3770
3205, 3205.1, 3205.2, 3205.3, and 3205.4	<a href="#">COVID-19 Prevention Emergency Temporary Standards</a>	<b>September 23, 2021</b> <b>10 am – 4 pm</b>  Virtual Meeting	<a href="#">Michael Wilson</a> 510-286-7005
14300.41	<a href="#">Electronic Reporting of Workplace</a>	TBA	<a href="#">Glen Schar</a>

#### Cal/OSHA

##### Emergency Response

- ▶ [Cal/OSHA COVID-19 Guidance Resources](#)
  - [Emergency Temporary Information and Resources](#)
  - [Revisions to the COVID-19 Prevention Emergency Standards](#)
- ▶ [Worker Safety and Health Regions](#)

##### Quick Links

- ▶ [File a workplace safety complaint](#)
- ▶ [Obtain a free consultation](#)
- ▶ [Important Cal/OSHA updates](#)
- ▶ [COVID-19 related violations](#)
- ▶ [Public records requests](#)
- ▶ [Cal/OSHA Training Academy](#)

#### Cal/OSHA Branches & Units

##### Branches

- ▶ [Enforcement](#)

**September 23, 2021**

10:00 am – 4:00 pm

Virtual Meeting

(see agenda for access instructions)

### Description

The Division of Occupational Safety and Health (Cal/OSHA) will convene an advisory committee to provide input on proposed permanent regulations to protect workers from COVID-19 hazards. The committee will consist of members from business and industry, labor and community groups, public agencies, and the health sciences. Members of the public who are not on the committee may observe the meeting and provide written comments at [RS@dir.ca.gov](mailto:RS@dir.ca.gov) no later than October 4, 2021. Please include in your comments the specific edits to the permanent COVID-19 prevention regulations you are proposing.

### Meeting Documents

- [Agenda](#)
- [Discussion draft language of the proposed regulations](#)
- [Summary of Differences](#)
- [Advisory committee roster](#)
- [Meeting Video/Audio Stream](#)
- [File Sharing Links to Standards Board COVID-19 Subcommittee Presentations](#)

## **§3205. COVID-19 Prevention.**

### **(a) Scope.**

(1) Until [2 years after effective date],<sup>1</sup> this section applies to all employees and places of employment. The following exceptions apply:

- (A) Work locations with one employee who does not have contact with other persons.
- (B) Employees working from home.
- (C) Employees with occupational exposure as defined by section 5199, when covered by that section.
- (D) Employees teleworking from a location of the employee's choice, which is not under the control of the employer.

(2) Nothing in this section is intended to limit more protective or stringent state or local health department mandates or guidance.

### **(b) Definitions.** The following definitions apply to this section and to sections 3205.1 through 3205.3.

(1) “Close contact” means being within six feet of a COVID-19 case for a cumulative total of 15 minutes or greater in any 24-hour period within or overlapping with the “infectious period” defined by this section, regardless of the use of face coverings, unless “close contact” is defined by order of the California Department of Public Health (CDPH). If so, the CDPH definition shall apply.

EXCEPTION: Employees have not had a close contact if they wore a respirator required by the employer and used in compliance with section 5144, whenever they were within six feet of the COVID-19 case during the high-risk exposure period.

(2) “COVID-19” means coronavirus disease, an infectious disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

(3) “COVID-19 case” means a person who:

- (A) Has a positive “COVID-19 test” as defined in this section; or
- (B) Has a positive COVID-19 diagnosis from a licensed health care provider; or
- (C) Is subject to a COVID-19-related order to isolate issued by a local or state health official; or
- (D) Has died due to COVID-19, in the determination of a local health department or per inclusion in the COVID-19 statistics of a county.

(4) “COVID-19 hazard” means potentially infectious material that may contain SARS-CoV-2, the virus that

# Sample COVID-19 Prevention Program

<https://www.dir.ca.gov/dosh/coronavirus/ETS.html>

## FAQs

- Revisions to the COVID-19 Prevention ETS FAQs – *Updated* June 18, 2021  
[English](#) | [español](#)
- COVID-19 Emergency Temporary Standards FAQs – *Updated* October 7, 2021  
[English](#) | [español](#) **NEW**

## Fact Sheets

- COVID-19 Emergency Temporary Standards – What Employers Need to Know – *Updated* June 21, 2021  
[English](#) | [español](#)

## COVID-19 Model Written Program

- COVID-19 Model Prevention Program – *Updated* June 29, 2021  
(Fillable Word) [English](#) | [español](#)

## Other Resources

- [California Department of Public Health - Find All Guidance](#)
- [Interim Guidance for Ventilation, Filtration, and Air Quality in Indoor Environments](#)



## Model COVID-19 Prevention Program (CPP)

With some exceptions, all employers and places of employment are required to establish and implement an effective written COVID-19 Prevention Program (CPP) pursuant to the Emergency Temporary Standards in place for COVID-19 (California Code of Regulations (CCR), Title 8, section [3205\(c\)](#)). Cal/OSHA has developed this model program to assist employers with creating their own unique CPP tailored to their workplace.

Employers are not required to use this program. Instead, they may create their own program or use another CPP template. Employers can also create a written CPP by incorporating elements of this program into their existing Injury and Illness Prevention Program (IIPP). Cal/OSHA encourages employers to engage with employees in the design, implementation and evolution of their CPP.

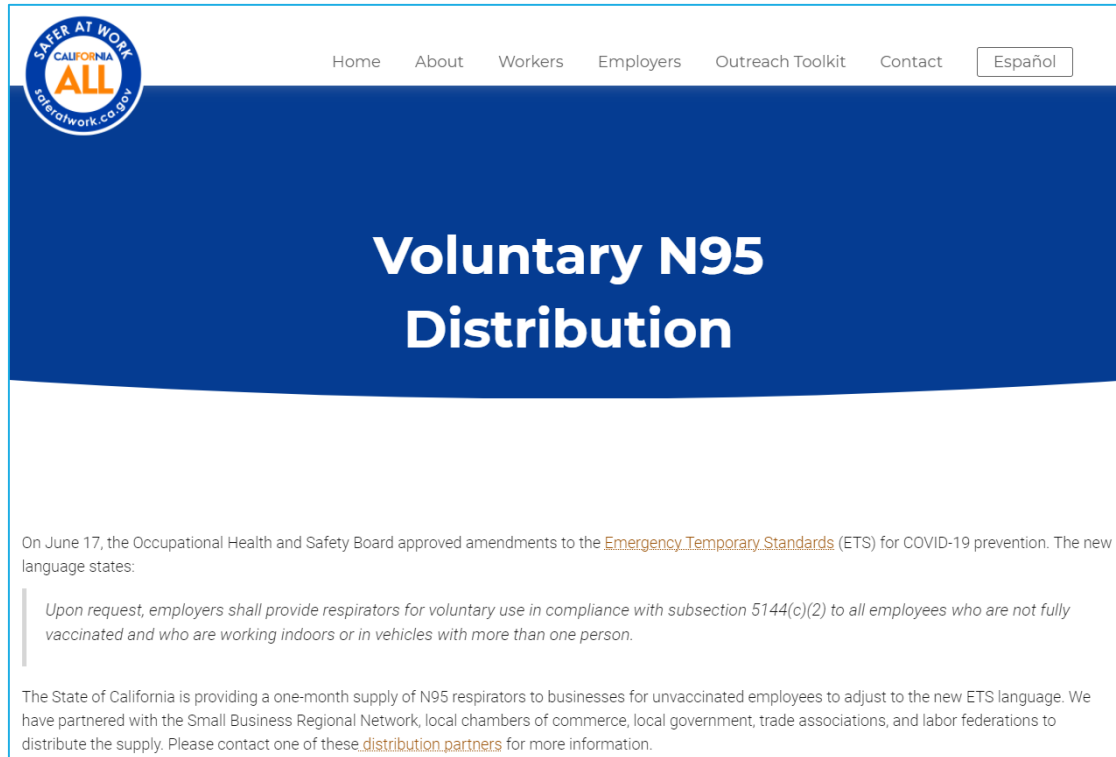
Using this model alone does not ensure compliance with the emergency temporary standard. To use this model program effectively, the person(s) responsible for implementing the CPP should carefully review:

- All of the elements that may be required in the following CCR, Title 8 sections:
  - [3205, COVID-19 Prevention](#)
  - [3205.1, Multiple COVID-19 Infection and COVID-19 Outbreaks](#)
  - [3205.2, Major COVID-19 Outbreaks](#)
  - [3205.3, Prevention in Employer-Provided Housing](#)
  - [3205.4, COVID-19 Prevention in Employer-Provided Transportation](#)
  - The four [Additional Considerations](#) provided at the end of this program to see if they are applicable to your workplace.
- Additional guidance and resources are available at [www.dir.ca.gov/dosh/coronavirus/](http://www.dir.ca.gov/dosh/coronavirus/)

# PPE Resources

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<https://saferatwork.covid19.ca.gov/n95-distribution>



The screenshot shows the 'Voluntary N95 Distribution' page on the Safer at Work California website. The page features a blue header with the 'SAFER AT WORK CALIFORNIA ALL' logo and a navigation menu including 'Home', 'About', 'Workers', 'Employers', 'Outreach Toolkit', 'Contact', and a language toggle for 'Español'. The main content area has a large blue banner with the title 'Voluntary N95 Distribution'. Below the banner, the text states that on June 17, the Occupational Health and Safety Board approved amendments to the Emergency Temporary Standards (ETS) for COVID-19 prevention. A quote from the ETS states: 'Upon request, employers shall provide respirators for voluntary use in compliance with subsection 5144(c)(2) to all employees who are not fully vaccinated and who are working indoors or in vehicles with more than one person.' The page concludes by stating that the State of California is providing a one-month supply of N95 respirators to businesses for unvaccinated employees and provides information on how to request the supply through distribution partners.

**SAFER AT WORK CALIFORNIA ALL**  
saferatwork.ca.gov

Home About Workers Employers Outreach Toolkit Contact Español

## Voluntary N95 Distribution

On June 17, the Occupational Health and Safety Board approved amendments to the [Emergency Temporary Standards \(ETS\)](#) for COVID-19 prevention. The new language states:

*Upon request, employers shall provide respirators for voluntary use in compliance with subsection 5144(c)(2) to all employees who are not fully vaccinated and who are working indoors or in vehicles with more than one person.*

The State of California is providing a one-month supply of N95 respirators to businesses for unvaccinated employees to adjust to the new ETS language. We have partnered with the Small Business Regional Network, local chambers of commerce, local government, trade associations, and labor federations to distribute the supply. Please contact one of these [distribution partners](#) for more information.

# Cal/OSHA'S Coronavirus Page

Link: [www.dir.ca.gov/dosh/coronavirus](http://www.dir.ca.gov/dosh/coronavirus)



## COVID-19 Emergency Temporary Standards

Information and materials related to the new COVID-19 Prevention Emergency Temporary Standards



## Guidance by Industry

Produced by Cal/OSHA, CDPH, the Governor's Office and other state agencies



## Frequently Asked Questions

FAQs on reporting and recording COVID-19 illnesses, new laws and more



## Educational Materials and Other Resources

Fact sheets, videos and fillable written safety plans



## Webinars on COVID-19

Webinars available for multiple industries. All webinars are free to attend and industry-specific webinars are hosted by Cal/OSHA Consultation Services



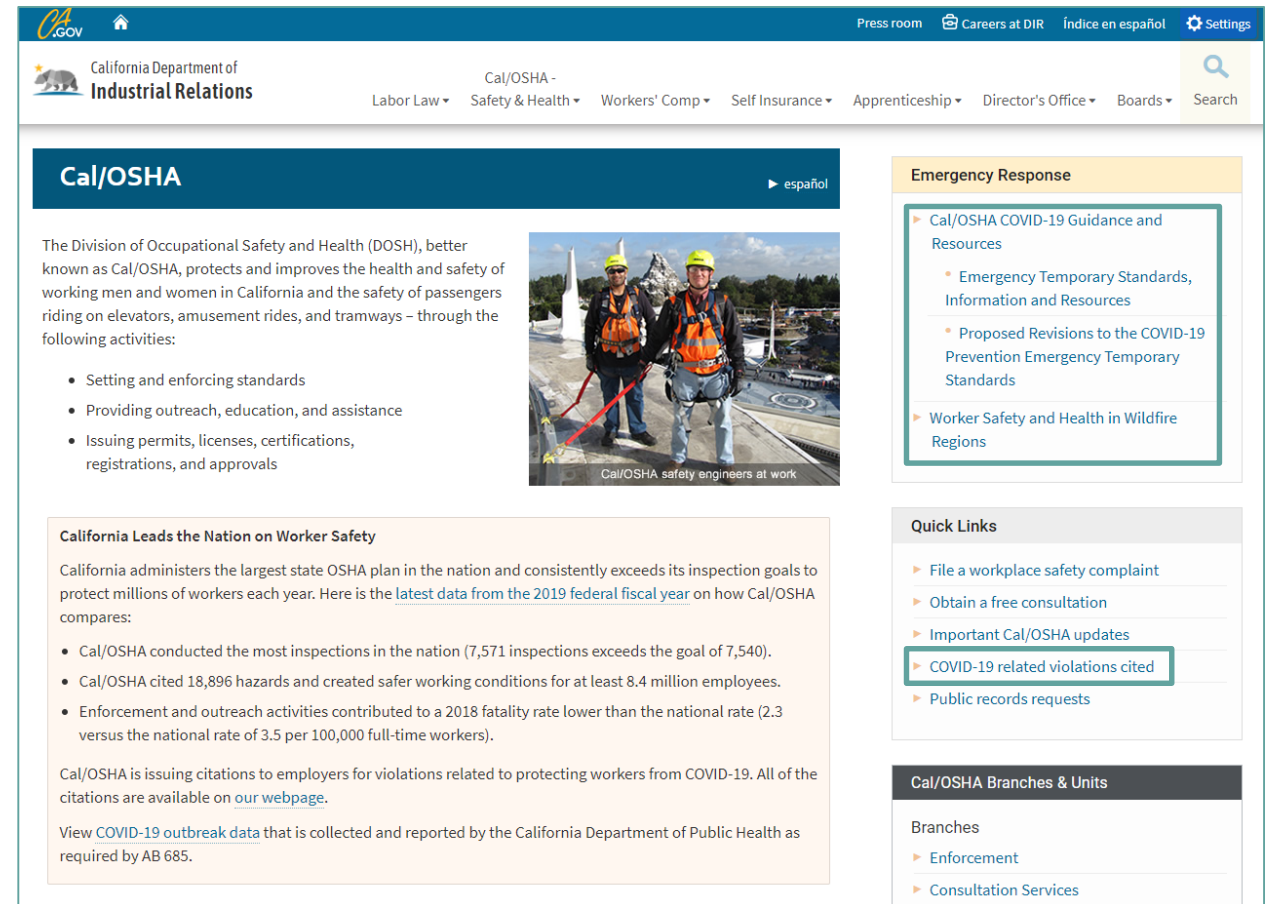
## Cal/OSHA Training Academy

COVID-19 infection prevention online training courses for employers and workers through the Cal/OSHA Training Academy

# Cal/OSHA General Info

Link: [www.dir.ca.gov/DOSH](http://www.dir.ca.gov/DOSH)

- Regulations
- Publications / eTools
- Reporting / Recording info
- Policies & Procedures



The screenshot shows the official website of the California Department of Industrial Relations, specifically the Cal/OSHA section. The header includes the state logo, navigation links for various departments, and a search bar. The main content area features a large banner for Cal/OSHA with a photo of safety engineers and a list of their activities. Below this is a section titled 'California Leads the Nation on Worker Safety' with detailed statistics and information about COVID-19 citations. On the right side, there are two sidebar sections: 'Emergency Response' with links to COVID-19 guidance and wildfire safety, and 'Quick Links' with direct links to file complaints, get consultations, and view updates. At the bottom right, a section lists 'Cal/OSHA Branches & Units' including Enforcement and Consultation Services.

**Cal/OSHA** [español](#)

The Division of Occupational Safety and Health (DOSH), better known as Cal/OSHA, protects and improves the health and safety of working men and women in California and the safety of passengers riding on elevators, amusement rides, and tramways – through the following activities:

- Setting and enforcing standards
- Providing outreach, education, and assistance
- Issuing permits, licenses, certifications, registrations, and approvals

**California Leads the Nation on Worker Safety**

California administers the largest state OSHA plan in the nation and consistently exceeds its inspection goals to protect millions of workers each year. Here is the [latest data from the 2019 federal fiscal year](#) on how Cal/OSHA compares:

- Cal/OSHA conducted the most inspections in the nation (7,571 inspections exceeds the goal of 7,540).
- Cal/OSHA cited 18,896 hazards and created safer working conditions for at least 8.4 million employees.
- Enforcement and outreach activities contributed to a 2018 fatality rate lower than the national rate (2.3 versus the national rate of 3.5 per 100,000 full-time workers).

Cal/OSHA is issuing citations to employers for violations related to protecting workers from COVID-19. All of the citations are available on [our webpage](#).

View [COVID-19 outbreak data](#) that is collected and reported by the California Department of Public Health as required by AB 685.

**Emergency Response**

- ▶ [Cal/OSHA COVID-19 Guidance and Resources](#)
  - [Emergency Temporary Standards, Information and Resources](#)
  - [Proposed Revisions to the COVID-19 Prevention Emergency Temporary Standards](#)
- ▶ [Worker Safety and Health in Wildfire Regions](#)

**Quick Links**

- ▶ [File a workplace safety complaint](#)
- ▶ [Obtain a free consultation](#)
- ▶ [Important Cal/OSHA updates](#)
- ▶ [COVID-19 related violations cited](#)
- ▶ [Public records requests](#)

**Cal/OSHA Branches & Units**

**Branches**

- ▶ [Enforcement](#)
- ▶ [Consultation Services](#)

# Consultation Services

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Must be invited to the facility

Free

Consultants work proactively with employers

Information is not shared with Enforcement

No citations or penalties

Answer questions by telephone

# Cal/OSHA Consultation Services

Toll-Free Number: 800-963-9424

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- **LA/Orange**  
1 Centerpointe Drive, Suite 150  
La Palma, CA 90623  
(714) 562-5525

- **San Fernando Valley**  
6150 Van Nuys Boulevard, Suite 307  
Van Nuys, CA 91401  
(818) 901-5754

- **San Bernardino**  
464 W. 4th Street, Suite 339  
San Bernardino, CA 92401  
(909) 383-4567

- **San Diego**  
7575 Metropolitan Drive, Suite 204  
San Diego, CA 92108  
(619) 767-2060

- **Central Valley**  
2550 Mariposa Mall, Suite 2005  
Fresno, CA 93721  
(559) 445-6800

- **Northern California**  
**1750 Howe Avenue, Suite 490**  
Sacramento, CA 95825  
(916) 263-0704  
**NOTE: NEW ADDRESS EFFECTIVE JULY 2020**

- **San Francisco Bay Area**  
1515 Clay Street, Suite 1103  
Oakland, CA 94612  
(510) 622-2891