

Cal/OSHA Emergency Regulation - COVID-19 Prevention

Overview

NEW (AMENDED) SECTION 3205

The [emergency standard requires](#) employers to create a **WRITTEN COVID-19 PREVENTION PROGRAM** that includes the following elements:

1. Systems for communication
2. Identification and evaluation of COVID-19 hazards
3. Investigation and responding to COVID-19 cases in the workplace
4. Correction of COVID-19 hazards
5. Training and instruction
6. Physical distancing
7. Face coverings
8. Other engineering controls, administrative controls and personal protective equipment
9. Reporting, recordkeeping and access
10. Exclusion of COVID-19 cases
11. Return to work criteria

NEW SECTIONS 3205.1 – 3505.2

Added to address COVID-19 Outbreaks in the Workplace

Excludes Employees working remotely.

Multiple COVID-19 Outbreaks;

Trigger: 3 or more “COVID-19 cases” in an “exposed workplace” within a 14-day period

COVID-19 Testing

- Employer will provide testing:
 - at no cost to the employee
 - during working hours
 - to all employees present in the “exposed workplace”
- Tests will be provided at the initial outbreak and again 1 week later – negative test results will not impact the duration of quarantine period required by local public health (14 days from date of exposure)
- After the first 2 tests, testing will be provided to employees who remain at the workplace
 - At least once per week or more frequently as recommended by local public health
 - Until the outbreak concludes

Exclusion from the workplace

- All “COVID-19 Cases” shall be excluded from the workplace as required by section 3205 (c) (10) and (11) and the employer’s COVID-19 Prevention Plan.

Investigation of Illnesses

- Employer shall investigate all reports of illness or exposure to COVID-19 according to section 3205 (c) (3) and the employer’s COVID-19 Prevention Plan.

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Hazard Identification, Investigation and Correction

- The Employer shall, in addition to requirements of section 3205 (c) (4) and the employer's COVID-19 Prevention Plan, take the following steps:
 - Investigation of new or unabated COVID-19 hazards including the employer's leave policies and practices and whether employees are discouraged from remaining home when sick; the employer's COVID-19 testing policies; insufficient outdoor air; insufficient air filtration; and lack of physical distancing.
 - The review shall be updated every thirty days that the outbreak continues, in response to new information or to new or previously unrecognized COVID-19 hazards, or when otherwise necessary.
 - The employer shall implement changes to reduce the transmission of COVID-19 based on the investigation and review required by subsections (e)(1) and (e)(2). The employer shall consider moving indoor tasks outdoors or having them performed remotely, increasing outdoor air supply when work is done indoors, improving air filtration, increasing physical distancing as much as possible, respiratory protection, and other applicable controls.

Notification to local Public Health

- The employer shall contact the local health department immediately but no longer than 48 hours after the employer knows, or with diligent inquiry would have known, of three or more COVID-19 cases for guidance on preventing the further spread of COVID-19 within the workplace.
- The employer shall provide to the local health department the total number of COVID-19 cases and for each COVID-19 case, the name, contact information, occupation, workplace location, business address, the hospitalization and/or fatality status, and North American Industry Classification System code of the workplace of the COVID-19 case, and any other information requested by the local health department. The employer shall continue to give notice to the local health department of any subsequent COVID-19 cases at the workplace.
- Effective January 1, 2021, the employer shall provide all information to the local health department required by Labor Code section 6409.6. As required by AB 685.

Concludes: no new "COVID-19 cases" for a 14-day period

Major COVID-19 Outbreaks;

Trigger: 20 or more "COVID-19 cases" in an "exposed workplace" within a 30-day period

COVID-19 Testing

- Employer will provide testing:
 - at no cost to the employee
 - during working hours
 - to all employees present in the "exposed workplace"
- Tests will be provided at the initial outbreak and twice weekly – negative test results will not impact the duration of quarantine period required by local public health (14 days from date of exposure)
- After the first 2 tests, testing will be provided to employees who remain at the workplace
 - At least once per week or more frequently as recommended by local public health
 - Until the outbreak concludes

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Exclusion from the workplace

- All “COVID-19 Cases” shall be excluded from the workplace as required by section 3205 (c) (10) and (11) and the employer’s COVID-19 Prevention Plan.

Investigation of Illnesses

- Employer shall investigate all reports of illness or exposure to COVID-19 according to section 3205 (c) (3) and the employer’s COVID-19 Prevention Plan.

Hazard Identification, Investigation and Correction

- The Employer shall, in addition to requirements of section 3205 (c) (4) and the employer’s COVID-19 Prevention Plan, take the following steps:
 - In buildings or structures with mechanical ventilation, employers shall filter recirculated air with Minimum Efficiency Reporting Value (MERV) 13 or higher efficiency filters if compatible with the ventilation system. If MERV-13 or higher filters are not compatible with the ventilation system, employers shall use filters with the highest compatible filtering efficiency. Employers shall also evaluate whether portable or mounted High Efficiency Particulate Air (HEPA) filtration units, or other air cleaning systems would reduce the risk of transmission and shall implement their use to the degree feasible.
 - The employer shall determine the need for a respiratory protection program or changes to an existing respiratory protection program under section 5144 to address COVID-19 hazards.
 - The employer shall evaluate whether to halt some or all operations at the workplace until COVID-19 hazards have been corrected.
 - Any other control measures deemed necessary by the Division through the Issuance of Order to Take Special Action, in accordance with title 8 section 332.3.

Notification to local Public Health

- The employer shall contact the local health department immediately but no longer than 48 hours after the employer knows, or with diligent inquiry would have known, of three or more COVID-19 cases for guidance on preventing the further spread of COVID-19 within the workplace.
- The employer shall provide to the local health department the total number of COVID-19 cases and for each COVID-19 case, the name, contact information, occupation, workplace location, business address, the hospitalization and/or fatality status, and North American Industry Classification System code of the workplace of the COVID-19 case, and any other information requested by the local health department. The employer shall continue to give notice to the local health department of any subsequent COVID-19 cases at the workplace.
- Effective January 1, 2021, the employer shall provide all information to the local health department required by Labor Code section 6409.6. As required by AB 685.

Concludes: no new “COVID-19 cases” for a 14-day period