

# COVID-19 UPDATE



## **CAL/OSHA READOPTS COVID-19 EMERGENCY TEMPORARY STANDARD**

June 3, 2021- The California Division of Occupational Safety and Health Standards Board readopted the the Emergency Temporary Standards (ETS) for COVID-19 prevention, which was originally adopted in November of last year.

The changes adopted by the Board phase out physical distancing and make other adjustments to better align with the state's June 15 goal to retire the Blueprint. Without these changes, the original standards, would be in place until at least October 2. These restrictions are no longer required given today's record low case rates and the fact that we've administered 37 million vaccines.

The proposal will now be submitted to the Office of Administrative Law (OAL), where the OAL will have ten calendar days to review and decide whether they will file the regulation with the Secretary of State to make effective for 180 days, with possible extensions pursuant to Governor Newsom's Executive Orders N-40-20 and N-66-20.

Though the state is scheduled to fully reopen on June 15, the ETS applies to all employees and places of employment, with the following exceptions:

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

# CHANGES TO THE EFTS THAT CALIFORNIA EMPLOYERS SHOULD BE AWARE OF

- **Physical distancing:** The 6 feet physical distancing requirements will remain in place until July 31, 2021. However, the amended ETS adds the following exceptions to physical distancing:
  - An employee wearing a respirator if required by the employer and used in compliance with the Respiratory Protection Standard in Cal. Code. Regs., tit. 8, section 5144.
  - Locations at which all employees are fully vaccinated, except for employees who require a reasonable accommodation or exception to vaccination under federal or state law.
- **Face coverings:** Employers are still required to provide face coverings and ensure face coverings are worn when indoors, when outdoors and less than 6 feet away from others, and where required by orders from the California Department of Public Health or local orders. However, the following exceptions apply:
  - When an employee is either alone in a room or when all persons in a room are fully vaccinated.
  - Employees who wear respirators as required by other sections.
  - Employees who are fully vaccinated when they are outdoors and do not have any COVID-19 symptoms.
- **Respirators for unvaccinated employees:** Effective July 31, 2021, employers must provide filtering facepiece respirators (i.e., NIOSH-approved devices that are able to filter particulate matter, such as the N95s) to employees that are not vaccinated for voluntary
- **Testing:** Employers must continue to make COVID-19 testing available at no cost during paid time to all employees who have had a close contact except for those who are fully vaccinated before the close contact or certain individuals who have recovered from COVID-19.

For more information on the updated ETS, please visit -

<https://www.dir.ca.gov/OSHSB/documents/Jun032021-COVID-19-Prevention-Emergency-txtbrdconsider-Readoption.pdf>

## BLUEPRINT FOR A SAFER ECONOMY UPDATE

The June 8th county tier status is:

- **Purple (Widespread) – 0 counties**
- **Red (Substantial) – 3 counties**
  - Del Norte, Shasta and Yuba
- **Orange (Moderate) – 31 counties**
  - Every other county not listed in the other tiers.
- **Yellow (Minimal) – 24 counties**
  - Alameda, Alpine, Amador, Inyo, Lassen, Los Angeles, Marin, Mariposa, Mendocino, Mono, Monterey, Napa, Orange, San Benito, San Diego, San Francisco, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Sierra, Trinity and Ventura

For more information on a county's status, please visit - <https://covid19.ca.gov/safer-economy/>

## UPDATED CDPH GUIDANCE ON TESTING

The California Department of Public Health (CDPH) appears to recommend the following:

- Weekly or twice-weekly testing of non-vaccinated individuals.
- Affected workplaces:
  - Those which face the public (specifically calling out "workplaces where workers are in close and/or frequent contact with the public, such as public transit, restaurants, theaters or stadiums, amusement parks, transportation hubs, or workplaces in communities with substantial to high community transmission").
  - "High-density workplaces where there is a higher risk of SARS-CoV-2 transmission (e.g., indoor workplaces where physical distancing is difficult and workers might be in close contact, such as manufacturing or food processing plants, or workplaces that provide congregate housing for employees such as fishing vessels, offshore oil platforms, farmworker housing or wildland firefighter camps)".

CalOSHA Standards Board has an emergency meeting June 9, 2021. They may attempt to rescind the action from last week and amend the modified ETS to include this guidance and then resend the document to OAL. If they do so, it will become required, rather than guidance.

For more information, please visit -

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Updated-COVID-19-Testing-Guidance.aspx>

## OTHER HELPFUL LINKS

- Mask Guidance - <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx>
- When Do You Need Your Mask? - <https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/Use-of-Face-Coverings-Fact-Sheets--en.pdf>
- Recommendations for Fully Vaccinated People - <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/COVID-19-Public-Health-Recommendations-for-Fully-Vaccinated-People.aspx>
- Updated Moving Beyond the Blueprint - <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Beyond-Blueprint-Framework.aspx> CDPH
- News Alerts - <https://www.cdph.ca.gov/Programs/OPA/Pages/News-Releases-2021.aspx>
- Vaccination Progress - <https://covid19.ca.gov/vaccines/#California-vaccines-dashboard>
- Travel Advisory - <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Travel-Advisory.aspx>
- Employees & Workplaces - <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/EmployeesAndWorkplaces.aspx>
- Sector Guidelines - [https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/Dimmer-Framework-September\\_2020.pdf](https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/Dimmer-Framework-September_2020.pdf)
- Updated Testing Guidance - <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Updated-COVID-19-Testing-Guidance.aspx>