



Cal/OSHA Updates COVID-19 Emergency Standard. What Employers Need to Know?

On June 17, 2021, The California Occupational Safety and Health Standards Board Adopts Revised Cal/OSHA COVID-19 Prevention Emergency Temporary Standard (ETS) that account for recent guidance from the California Department of Public Health based on increases in the number of vaccinated people.

Governor Gavin Newsom signed an executive order on the 17th enabling the revisions to take effect without the normal 10-day review period by the Office of Administrative Law.

The revisions include the following:

- » Fully vaccinated employees do not need to be offered testing or excluded from work after close contact unless they have COVID-19 symptoms.
- » Fully vaccinated employees do not need to wear face coverings except for certain situations during outbreaks and in settings where CDPH requires all persons to wear them. Employers must document the vaccination status of fully vaccinated employees if they do not wear face coverings indoors.
- » Employees are not required to wear face coverings when outdoors regardless of vaccination status except for certain employees during outbreaks.
- » Employees are explicitly allowed to wear a face covering without fear of retaliation from employers.
- » Physical distancing requirements have been eliminated except where an employer determines there is a hazard and for certain employees during major outbreaks.
- » Employees who are not fully vaccinated may request respirators for voluntary use from their employers at no cost and without fear of retaliation from their employers.
- » Employees who are not fully vaccinated and exhibit COVID-19 symptoms must be offered testing by their employer.
- » Employer-provided housing and transportation are exempt from the regulations where all employees are fully vaccinated.
- » Employers must review the [Interim guidance for Ventilation, Filtration, and Air Quality in Indoor Environments](#).
- » Employers must evaluate ventilation systems to maximize outdoor air and increase filtration efficiency, and evaluate the use of additional air cleaning systems.

The revised COVID-19 ETS should be reviewed in its entirety by employers as it still contains some language from the original 2020 release.

New - June 11, 2021 COVID-19 Emergency Temporary Standard Draft Text:

<https://www.dir.ca.gov/OSHSB/documents/Jun172021-COVID-19-Prevention-Emergency-txtbrdconsider-Readoption.pdf>

New - Cal/OSHA updated fact sheet:

https://www.dir.ca.gov/dosh/dosh_publications/06-16-21-ETS-Revisions.pdf

New – Cal/OSHA Updated Frequently Asked Questions regarding revisions to COVID-19 ETS:

<https://www.dir.ca.gov/dosh/coronavirus/Revisions-FAQ.html>

California Department of Industrial Relations, News Releases:

https://www.dir.ca.gov/dirnews/link_page.html

Cal/OSHA COVID-19 Guidance & Resources:

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

Once approved and published, the full text of the revised emergency standards will appear in the Title 8 sections [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) and [3205.4](#) (COVID-19 Prevention in Employer-Provided Transportation) of the [California Code of Regulations](#).

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