



Cal/OSHA COVID-19 Regulations and Best Practices

DAN LEINER, AREA MANAGER
CAL/OSHA CONSULTATION SERVICES BRANCH

DLEINER@DIR.CA.GOV
WWW.DIR.CA.GOV/DOSH

Disclaimer

Cal/OSHA Consultation Services has made every attempt to ensure the accuracy and reliability of the information provided in this presentation. The material in this presentation is given in summary form and is current as of December 28, 2020. The information in this presentation is subject to change due to the nature of regulations, i.e., changes to existing regulations and adoption of new regulations. California employers have the responsibility to be familiar with all regulations applicable to their business and must stay up to date with regulatory changes and adoption of new regulations.

Cal/OSHA's Five New COVID-19 Regulations

Approved by the Occupational Safety and Health Standards Board on November 19, 2020

Adopted as an Emergency Temporary Standard

- Effective Date: November 30, 2020
- Expiration Date: October 2, 2021 unless amended

The Five New 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*
 - 3205.4, *COVID-19 Prevention in Employer-Provided Transportation to and from Work*

COVID-19 Regulation Web Links

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

Regulations

- www.dir.ca.gov/OSHSB/documents/COVID-19-Prevention-Emergency-apprvdtxt.pdf

COVID-19 Prevention Program (CPP) Sample Program

- www.dir.ca.gov/dosh/dosh_publications/CPP.doc

Fact Sheet

- www.dir.ca.gov/dosh/dosh_publications/COVIDOnePageFS.pdf

FAQs

- www.dir.ca.gov/dosh/coronavirus/COVID19FAQs.html

Who Is Covered?

Applies to all employees and places of employment



Who Is Not Covered?

These are the only exceptions:

- Workplace with 1 employee who does not have contact with other people
- Employees working from home
- Employees covered by Aerosol Transmissible Diseases (ATD), section 5199



Definition: *High Risk Exposure Period*

If someone develops Covid-19 symptoms

- From 2 days before they have symptoms until 10 days after symptoms first appeared, and 24 hours have passed with no fever without medication, and symptoms improved, or

If someone is positive with no Covid-19 symptoms

- From 2 days before until 10 days after their sample was collected

Definition: *COVID-19 Exposure* in the Workplace

Being within 6 feet of a “COVID-19 case” for a cumulative total of ≥ 15 minutes in any 24-hour period within or overlapping with the “high-risk exposure period”

- This definition applies regardless of the use of face coverings

Written COVID-19 Prevention Program – 3205(c)

Employers **shall** establish, implement, and maintain an effective, written COVID-19 Prevention Program

- May be integrated into the Injury and Illness Prevention Program or maintained in a separate document

COVID-19 Prevention Program (CPP) for [Name of Company, or name of the workplace if it's for a fixed location]

This CPP is designed to control exposures to the SARS-CoV-2 virus that may occur in our workplace.

Date: [type date of last review]

Authority and Responsibility

[Enter name or job title of the person(s)] has overall authority and responsibility for implementing the provisions of this CPP in our workplace. In addition, all managers and supervisors are responsible for implementing and maintaining the CPP in their assigned work areas and for ensuring employees receive answers to questions about the program in a language they understand.

All employees are responsible for using safe work practices, following all directives, policies and procedures, and assisting in maintaining a safe work environment.

Identification and Evaluation of COVID-19 Hazards

We will implement the following in our workplace:

- Conduct workplace-specific evaluations using the Appendix A: Identification of COVID-19 Hazards form.
- Evaluate employees' potential workplace exposures to all persons at or who may enter our workplace.
- Review applicable orders and general and industry-specific guidance from the State of California, CDC/OPH, and the local health department related to COVID-19 hazards and prevention.
- Evaluate existing COVID-19 prevention controls in our workplace and the need for different or additional controls.
- Conduct periodic inspections using the Appendix B: COVID-19 Inspections form as needed to identify unhealthy conditions, work practices, and work procedures related to COVID-19 and to assess compliance with our COVID-19 policies and procedures.
- [Enter other identification and evaluation measures you take in your workplace].

Employee participation

Employees and their authorized employees' representatives are encouraged to participate in the identification and evaluation of COVID-19 hazards to [describe how employees and their representatives, if any, may participate in COVID-19 hazard identification and evaluation].

Employee screening

We screen our employees by [describe how this will be accomplished - i.e., directly screen employees when they come to work, or having them self-screen according to CDC guidelines. Ensure that face coverings are used during screening by both screeners and employees and, if temperatures are measured, that non-contact thermometers are used].

Correction of COVID-19 Hazards

Unsafe or unhealthy work conditions, practices or procedures will be documented on the Appendix B: COVID-19 Inspections form, and corrected in a timely manner based on the severity of the hazard, as follows:

[Describe how the following will be accomplished]

The severity of the hazard will be assessed and corrective [type action] engaged, accordingly.

Written Program Elements

- | | |
|---|--|
| 1. Communication | 7. Face Coverings |
| 2. Identification/Evaluation of Hazards | 8. Controls (Engineering, Administrative, & PPE) |
| 3. Investigation/Responding to Cases | 9. Reporting, Recordkeeping, & Access |
| 4. Correction of Hazards | 10. Exclusion of COVID-19 Cases |
| 5. Training | 11. Return to Work |
| 6. Physical Distancing | |

Communication – 3205(c)(1)

The following must be communicated in a form understandable by employees:

- How employees will report COVID-19 symptoms, possible exposures, and possible hazards at the workplace
- Company procedures / policies for accommodating employees with conditions that put them at increased risk of severe COVID-19 illness
- Information about access to COVID-19 testing
- Information about COVID-19 hazards and company COVID-19 policies / procedures for employees (must also address multi- and dual-employer situations)

Identification and Evaluation of Hazards – 3205(c)(2)

Develop and implement a policies/procedures:

- Screening and responding to employees' symptoms
- Responding to COVID-19 positive workers
- Conducting a workplace evaluation of what may potentially expose employees or others who may enter the workplace
- Evaluate HVAC (maximize outdoor air / increase filtration)
- Evaluate existing COVID-19 controls (different or additional controls)
- Conduct periodic inspections to identify unhealthy conditions, work practices, and work procedures

Investigation/Responding to Cases – 3205(c)(3)

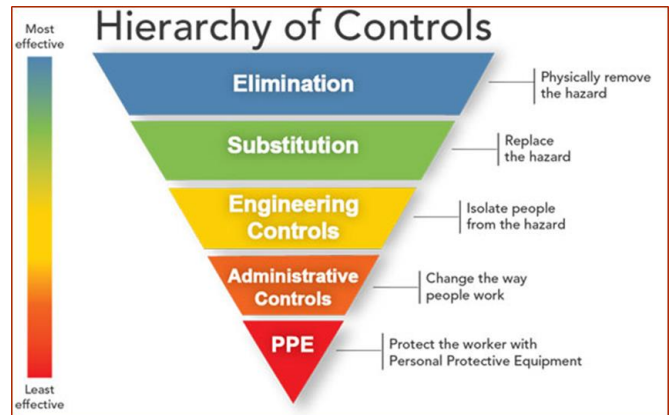
Give notice of the potential COVID-19 exposure, within 1 business day, without revealing any personal identifying information of the worker, to the following:

- All employees who may have had COVID-19 exposure and their authorized representatives
- Independent contractors and other employers present at the workplace during the high-risk exposure period

Offer COVID-19 testing at no cost to exposed employees and provide them with the information on benefits

Correction of Hazards – 3205(c)(4)

Implement policies / procedures for correcting unsafe or unhealthy conditions and/or work practices



Training – 3205(c)(5)

Provide effective training to employees, including:

- Company COVID-19 policies / procedures
- Information regarding COVID-19-related benefits
- COVID-19 is an infectious disease that can be spread when an infectious person talks or vocalizes, sneezes, coughs, or exhales
- May be transmitted when a person touches a contaminated object and then touches their eyes, nose, or mouth
- An infectious person may have no symptoms

Training – 3205(c)(5)

Provide effective training to employees, including:

- Physical distancing of at least 6 feet and the importance of combining physical distancing with the wearing of face coverings
- Use of face coverings (face coverings are not respiratory protective equipment)
- Not coming to work if experiencing COVID-19 symptoms, and obtaining a COVID-19 test if a worker has symptoms
- Hand sanitation – soap, water, hand sanitizers



Physical Distancing – 3205(c)(6)

Employees shall be separated from other persons by at least 6 feet, except when 6 feet of separation is not possible, and except for momentary exposure while people are walking by

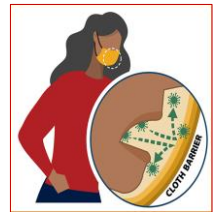
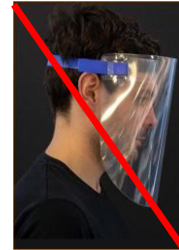
- Telework or other remote work
- Reducing the number of persons in an area at one time, including visitors
- Visual cues such as signs and floor markings
- Staggered arrival, departure, work, and break times
- Adjusted work processes or procedures to allow greater distance between employees

Face Coverings – 3205(c)(7)

Provide face coverings and ensure they are worn by employees over the nose and mouth:

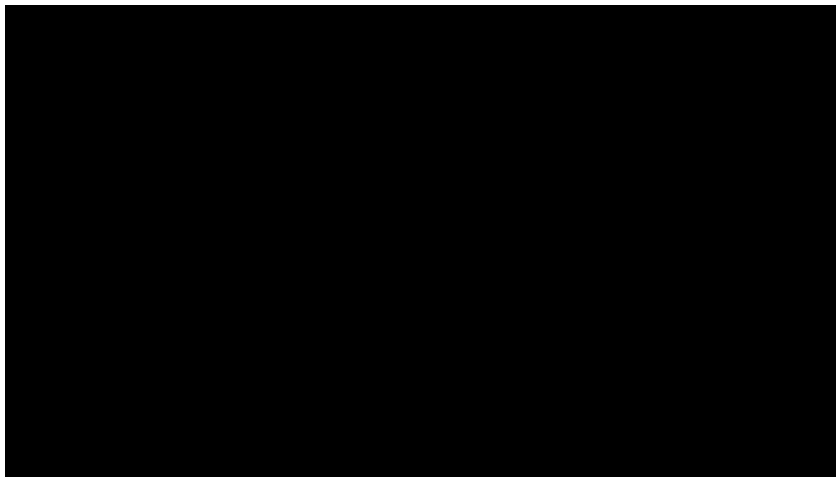
- When indoors
- When outdoors and less than 6 feet away from another person
- Where required by orders from the CDPH or local health department

Face shields are not a replacement for face coverings



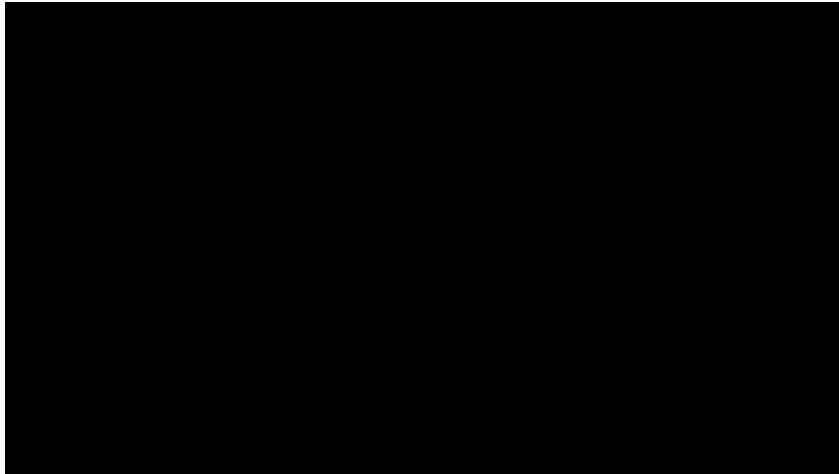
Video – Sneeze

www.youtube.com/watch?v=piCWFgwysu0



Video – Cloth Mask Effectiveness

www.youtube.com/watch?v=UNHgQq0BGLI



Face Coverings – 3205(c)(7)

Exceptions to the face coverings requirement:

- When an employee is alone in a room
- While eating and drinking at the workplace, provided employees are at least 6 feet apart
 - If indoors, outside air supply to the area has been maximized
- Specific tasks which cannot feasibly be performed with a face covering (limited to):
 - The time period in which such tasks are actually being performed
 - The unmasked employee shall be at least 6 feet away from all other persons unless unmasked employees are tested at least twice weekly for COVID-19

Face Coverings – 3205(c)(7)

Any employee not wearing a face covering, face shield with a drape or other effective alternative, or respiratory protection, for any reason, shall be at least 6 feet apart from all other persons unless the unmasked employee is tested at least twice weekly for COVID-19

- Employers may not use COVID-19 testing as an alternative to face coverings when coverings are required by this section



Controls (Engineering, Administrative, & PPE) – 3205(c)(8)

Engineering Controls

- Closing nonessential businesses (state, county, and city orders)
- Work from home (telework), if feasible
- HVAC - Increase ventilation rates, decrease amount recirculated air, install HEPA filters
- Install physical barriers to separate employees/clients

Administrative Controls

- Create a cloth face covering or face mask policy
- Requiring sick employees to stay home
- Alternating days or extra shifts that reduce the total number of employees in a facility at a given time
- Physical distancing between workers and/or clients
 - Stagger shifts
 - Hold meetings online
- Cleaning and disinfecting work areas/stations frequently using an EPA approved disinfectant
- Hand hygiene

Controls (Engineering, Administrative, & PPE) – 3205(c)(8)

Cleanable solid barriers

Maximize the amount of outside air



Controls (Engineering, Administrative, & PPE) – 3205(c)(8)

Implement regular cleaning / disinfecting procedures of frequently touched surfaces / objects (EPA List N: www.epa.gov/pesticide-registration/list-n-disinfectants-coronavirus-covid-19)

Prohibiting the sharing of PPE and items unless disinfecting between use

Evaluate handwashing facilities to determine the need for additional facilities



Controls (Engineering, Administrative, & PPE) – 3205(c)(8)

Personal protective equipment (PPE)

- Evaluate the need for personal protective equipment (gloves, goggles, and face shields) and provide the needed PPE
- Evaluate the need for respiratory protection (section 5144, *Respiratory Protection*) when the physical distancing requirements are not feasible or are not maintained



Respiratory Protection Use

If use is mandatory – implement a full program under section 5144

If use is voluntary:

- Elastomeric (half- or full-face) – implement medical evaluation, cleaning, storage, and maintenance elements of the program
- Filtering Face Pieces (aka Dust Masks) – basic training on use and limitations and provide employees with Appendix D, *Information for Employees Using Respirators When Not Required Under the Standard*

Respirators From Other Countries

Results from NIOSH assessments are showing that some products claiming to conform to the European (FFP2) and Chinese (KN) standards do not provide the level of filtering efficiencies expected

Only use foreign certified respirators as source control, not as respiratory protection



Reporting, Recordkeeping, and Access – 3205(c)(9)

Report information about workplace COVID-19 cases to the local health department, when required by law, and provide any information requested by the local health department

Immediately report to Cal/OSHA any COVID-19-related serious illnesses or death of an employee occurring in a place of employment or in connection with any employment

Maintain records of the steps taken to implement the COVID-19 Prevention Program in accordance with the IIPP

Exclusion of COVID-19 Cases – 3205(c)(10)

Ensure that COVID-19 cases are prevented from entering the workplace until the return to work requirements are met

Prevent employees with COVID-19 exposure from entering the workplace for **14 days** after the last known COVID-19 exposure to a COVID-19 positive person

Change to 14-day period pursuant to EO N-84-20:

- This period is suspended to the extent it exceeds the longer of (1) quarantine or isolation periods recommended by CDPH or (2) quarantine or isolation periods ordered or recommended by a local health officer with jurisdiction over the workplace

Return to Work – 3205(c)(11)

COVID-19 positive workers with COVID-19 symptoms shall not return to work until:

- At least 24 hours have passed since a fever of ≥ 100.4 has resolved (without the use of fever-reducing medications),
- COVID-19 symptoms have improved, and
- At least 10 days have passed since COVID-19 symptoms first appeared
- Note that, pursuant to EO N-84-20, shorter periods may apply if recommended by CDPH or recommended or ordered by a local health officer

Return to Work – 3205(c)(11)

Worker(s) who tested positive but never developed COVID-19 symptoms shall not return to work until a minimum of 10* days have passed since the date of sample collection of their first positive COVID-19 test

A negative COVID-19 test shall not be required for an employee to return to work

*May be reduced to 7 days per Governor's Executive Order, if certain requirements are met

Multiple COVID-19 Infections and COVID-19 Outbreaks

T8CCR 3205.1

Scope – 3205.1(a)

This section applies to a place of employment covered by section 3205 if it has been identified by a local health department as the location of a COVID-19 outbreak or when there are ≥ 3 COVID-19 cases in an exposed workplace within a 14-day period

This section shall apply until there are no new COVID-19 cases detected in a workplace for a 14-day period

3205.1 Overview

- Testing - 3205.1(b)
- Exclusion - 3205.1(c)
- Investigation - 3205.1(d)
- Investigation, review and hazard correction - 3205.1(e)
- Notifications to the local health department - 3205.1(f)

Major COVID-19 Outbreaks

T8CCR 3205.2

Scope – 3205.2(a)

This section applies to any place of employment covered by section 3205 when there are ≥ 20 COVID-19 cases in an exposed workplace within a 30-day period

This section shall apply until there are no new COVID-19 cases detected in a workplace for a 14-day period

3205.2 Overview

- Testing - 3205.2(b)
- Exclusion - 3205.2(c)
- Investigation - 3205.2(d)
- Hazard correction - 3205.2(e)
- Notifications to the local health department - 3205.2(f)

NOTE: Sections are similar to 3205.1, but more stringent

COVID-19 Prevention in Employer-Provided Housing

T8CCR 3205.3

Scope – 3205.3(a)

This section applies to employer-provided housing:

Employer-provided housing is any place or area of land, any portion of any housing accommodation, or property upon which a housing accommodation is located, consisting of: living quarters, dwelling, boardinghouse, tent, bunkhouse, maintenance-of-way car, mobile home, manufactured home, recreational vehicle, travel trailer, or other housing accommodations

Employer-provided housing includes a “labor camp” as that term is used in title 8 of the California Code of Regulations or other regulations or codes

Scope – 3205.3(a)

The following exception apply:

This section does not apply to housing provided for the purpose of emergency response, including firefighting, rescue, and evacuation, and support activities directly aiding response such as utilities, communications, and medical operations, if:

- The employer is a government entity, or
- The housing is provided temporarily by a private employer and is necessary to conduct the emergency response operations



COVID-19 Prevention in Employer-Provided Transportation to and from Work

T8CCR 3205.4

Scope – 3205.4(a)

This section applies to employer-provided motor vehicle transportation to and from work, which is any transportation of an employee, during the course and scope of employment, provided, arranged for, or secured by an employer including ride-share vans or shuttle vehicles, car-pools, and private charter buses, regardless of the travel distance or duration involved

Scope – 3205.4(a)

The following exceptions apply:

- This section does not apply if the driver and all passengers are from the same household outside of work, such as family members
- This section does not apply to employer-provided transportation when necessary for emergency response, including firefighting, rescue, and evacuation, and support activities directly aiding response such as utilities, communications, and medical operations



COVID-19 FAQs & Resources

Consultation Services

Must be invited to the facility

Free

Consultants work proactively with employers

Information is not shared with Enforcement

Answer questions by telephone

No citations or penalties

The Catch

Serious and Imminent hazards identified during a consultation are expected to be corrected in a timely manner

- Serious - 30 days
- Imminent - immediately

Employee involvement

Posting of identified serious hazards

Cal/OSHA Consultation Services

Toll-Free Number: 800-963-9424

- **LA/Orange**
1 Centerpointe Drive, Suite 150
La Palma, CA 90623
(714) 562-5525
- **Central Valley**
2550 Mariposa Mall, Suite 2005
Fresno, CA 93721
(559) 445-6800
- **San Fernando Valley**
6150 Van Nuys Boulevard, Suite 307
Van Nuys, CA 91401
(818) 901-5754
- **Northern California**
1750 Howe Avenue, Suite 490
Sacramento, CA 95825
(916) 263-0704
NOTE: NEW ADDRESS EFFECTIVE JULY 2020
- **San Bernardino**
464 W. 4th Street, Suite 339
San Bernardino, CA 92401
(909) 383-4567
- **San Francisco Bay Area**
1515 Clay Street, Suite 1103
Oakland, CA 94612
(510) 622-2891
- **San Diego**
7575 Metropolitan Drive, Suite 204
San Diego, CA 92108
(619) 767-2060

Cal/OSHA COVID-19 FAQs

Is a COVID-19 case recordable or reportable?

Recordable (OSHA Log 300/300A): Yes, if it meets recordkeeping criteria

Link: www.dir.ca.gov/T8/14300_5.html

Reportable (Call Cal/OSHA): Yes, if it meets reporting criteria (updated 1/1/2020)

Links: www.dir.ca.gov/T8/14300_5.html, www.dir.ca.gov/title8/342.html, & www.dir.ca.gov/title8/330.html

COVID-19 FAQs on Recording and Reporting:

www.dir.ca.gov/dosh/coronavirus/Reporting-Requirements-COVID-19.html

AB 685 and Cal/OSHA

AB 685 allows Cal/OSHA:

- **Orders Prohibiting Use (OPU):** Cal/OSHA can issue an OPU to shut down an entire worksite or a specific worksite area that exposes employees to an imminent hazard related to COVID-19
- **Citations for serious violations:** Cal/OSHA can issue citations for serious violations related to COVID-19 without giving employers 15-day notice before issuance (1BY)

NOTE: The temporary changes will be in effect from January 1, 2021 until January 1, 2023

AB 685 FAQs: www.dir.ca.gov/dosh/coronavirus/AB6852020FAQs.html

AB 685


Employers are required to notify, within 1 day, all employees at a worksite of potential exposures, COVID-19-related benefits and protections, and disinfection and safety measures that will be taken at the worksite in response to the potential exposure

Employers are required to notify local public health agencies of all workplace outbreaks, which are defined as three or more laboratory-confirmed cases of COVID-19 among employees who live in different households within a two-week period

Division of Labor Standards Enforcement (DLSE)


Commonly known as the Labor Commissioner's Office

- Main website: www.dir.ca.gov/DLSE
- COVID-19 website: www.dir.ca.gov/dlse/COVID19resources

	Report a Labor Law Violation or File a Claim Toll free number for reporting Paid Sick Leave Violations, file a Wage Claim or Report a Labor Law Violation
	Do I qualify for COVID-Related Supplemental Paid Sick Leave? Answer a few questions to find out if you may be eligible
	Educational Materials and other Resources Videos, Posters, Flyers and Webinars on COVID-related protections
	Frequently Asked Questions On Supplemental Paid Sick Leave, Retaliation Protections, the WARN ACT and other issues

CDC & NIOSH

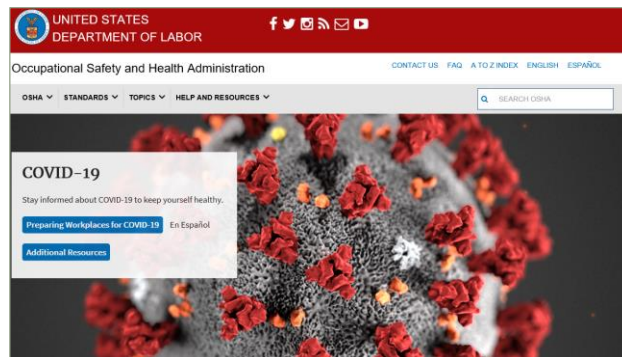
Links: www.cdc.gov and www.cdc.gov/niosh



Federal OSHA

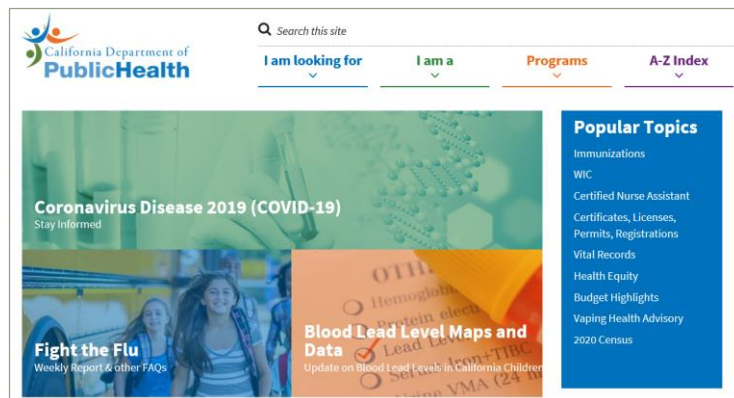
REMEMBER: Follow Cal/OSHA Regulations

Link: www.osha.gov



California Department Of Public Health (CDPH)

Link: www.cdph.ca.gov



Cal/OSHA'S Coronavirus Page

Link: www.dir.ca.gov/dosh/coronavirus

Cal/OSHA COVID-19 Guidance and Resources

Workplace safety and health regulations in California require employers to take steps to protect workers exposed to infectious diseases like the Novel Coronavirus (COVID-19), which is widespread in the community. Cal/OSHA has posted the following resources to help employers comply with these requirements and to provide workers information on how to protect themselves and prevent the spread of the disease.

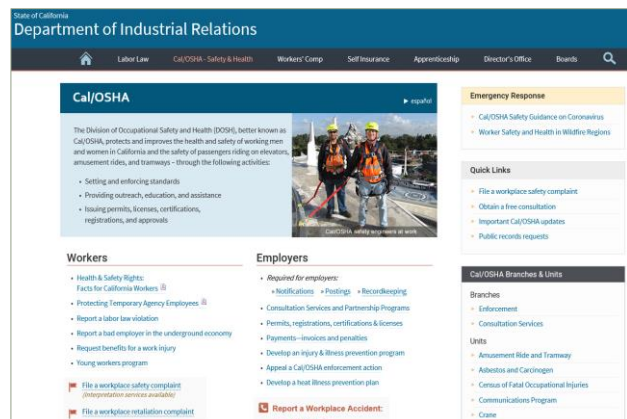
Cal/OSHA recommends the guidance, educational materials, model programs and plans, and other resources that are provided below, be reviewed with an employer's existing procedures to ensure that workers are protected.

	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

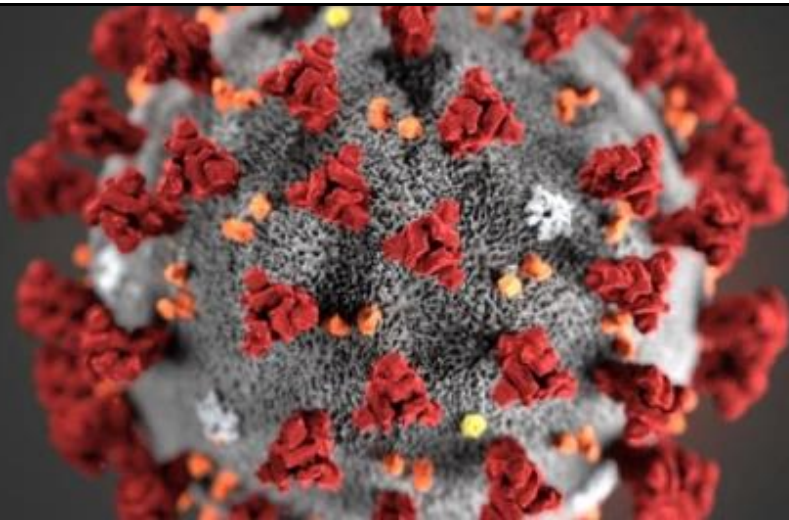
Link: www.dir.ca.gov/DOSH

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



The screenshot shows the Cal/OSHA website with the following sections:

- Navigation Bar:** Labor Law, Cal/OSHA - Safety & Health, Workers' Comp, Self Insurance, Apprenticeship, Director's Office, Boards.
- Cal/OSHA Header:** 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
- Workers Section:**
 - Health & Safety Rights: Facts for California Workers
 - Protecting Temporary Agency Employees
 - Report a labor law violation
 - Report a bad employer in the underground economy
 - Request benefits for a work injury
 - Young workers program
 - File a workplace safety complaint (Employer services available)
 - File a workplace retaliation complaint
- Employers Section:**
 - Required for employers:
 - Inspections
 - Postings
 - Recordkeeping
 - Consultation Services and Partnership Programs
 - Permits, registrations, certifications & licenses
 - Payments—Invoices and penalties
 - Develop an injury & illness prevention program
 - Appeal a Cal/OSHA enforcement action
 - Develop a heat illness prevention plan
 - Report a Workplace Accident: Employer Reporting
- Emergency Response:**
 - Cal/OSHA Safety Guidance on Coronavirus
 - Worker Safety and Health in Wildfire Regions
- Quick Links:**
 - File a workplace safety complaint
 - Obtain a free consultation
 - Important Cal/OSHA updates
 - Public records requests
- Cal/OSHA Branches & Units:**
 - Branches:** Enforcement, Consultation Services
 - Units:** Amusement Ride and Tramway, Asbestos and Carcinogen, Census of Fatal Occupational Injuries, Communications Program, Crane



ANY QUESTIONS?

Dan Leiner

dleiner@dir.ca.gov