

November 23, 2020

ALERT!

Cal/OSHA Adopts Emergency COVID-19 Regulation

On November 19, 2020, the California Occupational Safety and Health Standards Board unanimously approved an [emergency COVID-19 regulation](#). The regulation is now in the hands of the Office of Administrative Law (OAL) which has 10 working days to review and approve the rules. ***If approved by OAL, the regulation will become effective immediately -- which could be as soon as November 29.***

The bright side is that employers likely have a pretty good handle on a lot of the regulation requirements if they have been following our updates and existing guidance and mandates. The obvious down side is that *another* set of COVID-19 rules does nothing to bring clarity to employers or employees. We will continue to report on the final outcome of this standard and its implications for the employer community.

Regulation Highlights:

- Written COVID-19 Prevention Program that covers COVID-19 prevention and includes information on access to testing and how workers can communicate symptoms, exposures and workplace hazards.
- Offer COVID-19 testing at no cost to all employees potentially exposed to the virus in their workplace.
- Provide employees information about COVID-19 related benefits, such as emergency paid sick leave and workers' compensation.
- Separate from others by at least six feet, unless an employer can demonstrate that six feet of separation is not possible.
- Provide workers with testing at least twice a week during a major outbreak, defined as 20 or more cases within a 30-day period.
- Workers quarantining due to an exposure must be paid.

The passage comes despite concerns that several components of the regulation conflict unnecessarily with recently-passed California COVID-19 legislation and other existing laws and result in another layer to already complex and confusing local, state, and federal mandates and guidance. Also troubling was the lack of sufficient time for stakeholder input.

The text was published a mere five days before the vote, which did not allow much time for comments to be submitted by impacted parties much less sufficient time for Cal/OSHA to process the comments for incorporation to the regulations before the Board voted. ([Emergency Standards Rulemaking Process flowchart](#))

[Cal/OSHA News Release here](#)

**MCAC is the "411" center for mason contractors on legislation, regulations,
safety issues, and building codes.**

**www.mca-ca.org
(916) 966-7666**
