

SAFETY COMMUNICATION

COVID-19 Update: 1/7/23

Cal/OSHA Standards Board Approves Non-Emergency COVID-19 Regulation



Cal/OSHA COVID-19 UPDATE

On December 15, 2022, the Occupational Safety and Health Standards Board voted to adopt non-emergency COVID-19 prevention regulations. These regulations will take effect once they are approved by the Office of Administrative Law (OAL) in the month of January 2023 and will remain in effect for two years after the effective date.

Below is a list of some of the highlights in the changes to the current COVID-19 regulation:

1. Does not require employers to provide exclusion pay.
2. Changes the definition of “close contact.” New definition: In indoor spaces of 400,000 or fewer cubic feet per floor, a close contact is someone who shares the same indoor space as a COVID-19 case for a cumulative total of 15-minutes or more over a 24-hour period during the COVID-19 case’s infectious period. In Indoor spaces of greater than 400,000 cubic feet per floor, a close contact is defined as being within 6 feet of the COVID-19 case for a cumulative total of 15 minutes or more of a 24-hour period during the COVID-19 case’s infectious period.
3. Eliminates the employer’s obligation to provide COVID-19 testing for employees who are experiencing symptoms but did not have a close contact in the workplace.
4. Employers can now include COVID-19 procedures in the IIPP, or they can maintain a separate COVID-19 Prevention Program.

5. Outbreak procedures are required when there are three or more cases during a 14-day period. The outbreak procedures, which included making testing available on a weekly basis, are no longer required when there is one or less new COVID-19 cases within a 14-day period as opposed to zero cases within a 14-day period.
6. Requires employers to take one or more actions to improve ventilation including: a) Maximize the supply of outside air to the extent feasible, b) Use MERV-13 filters or higher in buildings with mechanical ventilation or the highest level of filtration efficiency compatible with the existing mechanical ventilation system, c) Use HEPA filtration units in indoor areas occupied by employees for extended periods.

Cal/OSHA will soon post updated Frequently Asked Questions on their website. Below is a link to a Cal/OSHA update on what employers need to know: [COVID-19 ETS What Employers Need to Know About the December 15 2022 Standards \(ca.gov\)](#)

In addition, below is a link to the actual regulation. [Covid 19 Non Emergency Final Comparison-Copy \(ca.gov\)](#)

COVID-19 PREVENTION PROGRAM

You are encouraged to review your COVID-19 Prevention Program and compare it to the most recent Sedgwick Model CPP template (revised 12/22/22 and available on the [Sedgwick Risk Control website](#) under Sample Programs and Forms). You may only need to make some minor changes to your written program. Please contact your Sedgwick Risk Control Consultant if you need further assistance in reviewing or updating your program.