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COVID-19 Advisory



Occupational Safety and Health Standards Board Votes to Adopt Revised COVID-19 Prevention Emergency Temporary Standards

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On June 17, 2021, the California Department of Industrial Relations issued [News Release 2021-62](#) indicating the Occupational Safety and Health Standards Board on June 17, 2021, adopted changes to Cal/OSHA's COVID-19 prevention emergency temporary standards (ETS) adopted in November 2020. A draft of the revised ETS can be accessed [HERE](#). Governor Gavin Newsom signed an [executive order](#) on June 17, 2021, enabling the revisions to take effect without the normal 10-day review period of the Office of Administrative Law.

The revised ETS has implications for employers and employees, as well as contractors that must comply with the regulations at their worksites. Some notable changes to the ETS include, but are not limited to:

1. 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. Despite the revised ETS, vaccinated and unvaccinated employees in K-12 settings are still required to wear masks indoors pursuant to [CDPH Guidance](#). However, CDPH Guidance for K-12 schools may soon change as new guidance is forthcoming, pending updates for K-12 operational guidance from the CDC;
2. Fully vaccinated employees do not need to be offered testing or excluded from work after close contact unless they have COVID-19 symptoms;
3. Physical distancing requirements have been eliminated except where an employer determines there is a hazard and for certain employees during major outbreaks;
4. Employers must, upon request, provide respirators to workers who are not fully vaccinated and who are working indoors or in vehicles with more than one person; and
5. 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.

Based on the revised ETS, employers should revise their written COVID-19 Prevention Programs to ensure their policies and workplace protocols comply with the revised standards. Additionally, contractors performing work at external worksites should ensure their policies and worksite protocols are updated to comply with the revised standards and any contractual obligations. For example, at construction sites, contractors should update their worksite policies and protocols to comply with an express contractual obligation to perform work in compliance with Cal/OSHA regulations.

If you have any questions about complying with the revised Cal/OSHA ETS, please do not hesitate to contact a [DWK attorney](#) in our [Labor, Employment and Personnel](#), [Business and Property](#) or [Construction](#) practice groups. For more information regarding the impact of COVID-19 on your district's operations, please visit our [COVID-19 Resources](#) page.

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