

# Revisions to the COVID-19 Prevention Emergency Temporary Standards (effective January 14, 2022) Frequently Asked Questions

**Updated - January 14, 2022**

## COVID-19 Prevention Emergency Temporary Standards

The COVID-19 Prevention Emergency Temporary Standards are still in effect. The workplace standards were updated in December 2021 to include minor revisions to be more consistent with CDPH and federal OSHA. In addition to these requirements, employers must follow public health orders on COVID-19. More information on the COVID-19 Prevention Emergency Temporary Standards is available in [Cal/OSHA's Fact Sheet](#).

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## Background

### 1. **Q: Why did Cal/OSHA propose revising the COVID-19 Prevention Emergency Temporary Standards?**

**A:** Cal/OSHA proposed revisions to the COVID-19 emergency temporary standards (ETS), title 8 section 3205-3205.4, for several reasons. First, the proposed revisions reflect updated CDPH guidance and additional protections given the Delta, Omicron and possible future variants. Second, the proposed revisions were made to make the ETS more consistent with federal OSHA standards. Finally, the proposed revisions include other minor clarifications to make the regulation easier to understand and follow.

2. **Q: What is the status of the ETS?**

A: The ETS took effect on November 30, 2020. On June 17, 2021, the Occupational Safety and Health Standards Board (Standards Board) voted to update the ETS. On December 16, 2021 the Standards Board again voted to update and extend the ETS.

3. **Q: What are the effective dates of this version of the ETS?**

A: This latest ETS update is effective from January 14, 2022 through April 14, 2022.

## What Changed

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1. **Q: What are the important changes in the January 14, 2022 revised ETS?**

A: The important changes include the following:

- Some of the definitions in the ETS were revised. (Cal. Code Regs., tit. 8, § 3205(b))
  - The definition of “COVID-19 test” now includes specific instructions for workers using a test at home with self-read results. The employer or a telehealth professional must observe the use of the test.
  - The definition of “face covering” was updated to include more specific detail on the different types of acceptable face coverings.
  - The definition of “fully vaccinated” now includes the minimum amount of time workers need to wait between the first and second dose of a two-dose vaccine.
- Employers must make COVID-19 testing available to fully vaccinated employees after close contact. Under the previous version of the ETS, fully vaccinated employees were exempt from this requirement. (Cal. Code Regs., tit. 8, § 3205(c)(3)(B)5.)
- The period of time before an employee can return to work after a close contact has been revised. (Cal. Code Regs., tit. 8, § 3205(c)(10)(D).) However, CDPH has since reduced its recommended isolation and quarantine times, and these recommendations override the return to work criteria in the revised ETS under the Governor’s [Executive Order N-84-20](#). For more information on return to work criteria, please refer to the section on [CDPH's Isolation and Quarantine Guidance](#) in the [general FAQs](#), and to [Cal/OSHA's fact sheet](#) that explains the impact of the latest CDPH guidance on the ETS.
- When employees who are fully vaccinated, regardless of whether they are booster-eligible or boosted, cannot be tested as required by CDPH quarantine guidance, those employees must wear face coverings and physically distance (six feet) from others for 14 days if they are to be exempted from the exclusion requirements after a close contact (Cal. Code Regs., tit. 8, § 3205(c)(9)(B).)
- During an outbreak, employers must make COVID-19 testing available to their employees, regardless of vaccination status, on a weekly basis. (Cal. Code Regs., tit. 8, § 3205.1(b)(1)) During a major outbreak, employers must make COVID-19 testing available to their employees, regardless of vaccination status,

twice a week, or more frequently if the local health department recommends it. (Cal. Code Regs., tit. 8, § 3205.2(b)). In housing provided by an employer, fully vaccinated employees are no longer exempt from testing, isolation and quarantine requirements. The employer must make COVID-19 testing available to all residents, regardless of vaccination status, if there are more than three COVID-19 cases in 14 days. (Cal. Code Regs., tit. 8, § 3205.3(g) & (h).)

- In transportation provided by an employer, fully vaccinated employees are no longer exempt from face covering requirements. (Cal. Code Regs., tit. 8, § 3205.4(c)(2).)

**2. Q. Are there requirements from the previous version of the ETS that will remain in place?**

**A:** Yes, they include but are not limited to the following requirements:

- Establishing, implementing, and maintaining an effective written COVID-19 Prevention Program.
- Providing effective training and instruction to employees on the employer's prevention plan and their rights under the ETS.
- Providing notification to public health departments of outbreaks.
- Providing notification to employees of exposure and close contacts.
- Requirements to [offer COVID-19 testing](#) after potential exposures.
- Requirements for responding to COVID-19 cases and outbreaks.
- Isolation and exclusion pay requirements.
- Basic prevention requirements for employer-provided housing and transportation.

## Physical Distancing

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**1. Q: Are there physical distancing requirements in the revised ETS?**

**A:** The physical distancing requirements continue to be eliminated in the revised ETS except as follows:

- During an outbreak (three or more employees in an exposed group), employers are required to evaluate whether physical distancing or barriers are necessary to control the transmission of COVID-19.
- Physical distancing must be used in a major outbreak (20 or more employees in an exposed group) for all employees, regardless of vaccination status except when an employer demonstrates that maintaining six feet of distance is not feasible. When it is not feasible to maintain six feet of distance, persons must be as far apart as feasible.
- Nothing in the revised ETS prevents employers from implementing additional protective measures than are required, including the use of physical distancing and barriers.

- Employers are under an ongoing requirement to assess workplace hazards and implement controls to prevent transmission of disease. There may be circumstances in which employers determine that physical distancing is necessary in their workplace.
- As described above, physical distancing is sometimes required, for a limited period, if fully vaccinated employees cannot be tested after a close contact.

## Respirators

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1. **Q: Are there any changes to respirator requirements in the January 14, 2022 ETS compared to the previous version of the ETS.**

**A:** No, there are no changes to the respirator requirements in the January 14, 2022.

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## ETS Face Coverings

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1. **Q: Who has to wear face coverings?**

**A:** Face coverings are required indoors and in vehicles for unvaccinated employees. Regardless of vaccination status, employees in certain indoor settings must wear a face covering if required by [CDPH order](#) or if they are a passenger in employer-provided transportation. (Cal. Code Regs., tit. 8, § 3205.4(c)(2).)

2. **Q: CDPH currently requires face coverings in all indoor workplaces and other indoor public settings, regardless of vaccination status. Are there exceptions to wearing face coverings indoors?**

**A:** Yes. The most common exceptions are:

- When alone in a room or vehicle;
- When eating and drinking;
- When an accommodation is required; and
- When job duties make a face covering infeasible or create a hazard.

3. **Q: The new definition of face covering includes as an example of an acceptable face covering “tightly woven fabric or non-woven material of at least two layers” that does not let light pass through when held up to a light source. Does this mean all face coverings must completely block out light?**

**A:** No, face coverings do not need to completely block out light – this is just one example of an acceptable face covering made from a tightly woven fabric or non-woven material. Holding a face covering up to a light is also a good way to see if there are any very small holes or perforations that would not normally be visible.

## Vaccines

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1. **Q: Is documentation required for a fully vaccinated employee to work without a face covering indoors?**

**A:** Under [CDPH guidance](#) in effect through February 15, 2022, face coverings are required for all individuals in all indoor workplaces and other public settings, regardless of vaccination status, subject to limited exceptions. Under the ETS, employers are required to comply with this guidance.

If, after February 15, 2022, CDPH does not extend their orders, employers may allow fully vaccinated employees to work indoors without a face covering, but vaccination status must be documented. The January 14, 2022 revised ETS is the same as the previous ETS and does not specify a particular method. The employer must record the vaccination status for any employee not wearing a face covering indoors and this record must be kept confidential. Acceptable options include:

- Employees provide proof of vaccination (vaccine card, image of vaccine card or health care document showing vaccination status) and employer maintains a copy.
- Employees provide proof of vaccination. The employer maintains a record of the employees who presented proof, but not the vaccine record itself.
- Employees self-attest to vaccination status and employer maintains a record of who self-attests.

Nothing in the revised ETS prevents an employer from requiring all employees to wear a face covering instead of having a documentation process.

## Testing

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1. **Q: What are the testing requirements of the revised ETS?**

**A:** Employers must offer testing at no cost to employees during paid time to:

- Symptomatic unvaccinated employees, regardless of whether there is a known exposure. This is the same as the previous version of the ETS.
- All employees regardless of vaccination status, who have had close contact with a COVID-19 case, except for recently recovered employees.
- All employees except for recently recovered employees, regardless of vaccination status, in an outbreak or a major outbreak. When following [CDPH's Isolation and Quarantine Guidance](#) to keep employees working or return them sooner, if tested.

2. **Q: What are the testing requirements for returning to work after a COVID-19 test or close contact?**

**A:** In some cases, employees may be able to return to work sooner if they receive a negative test. Please refer to the section on [CDPH's Isolation and Quarantine Guidance](#) in the [general FAQs](#), and to [Cal/OSHA's fact sheet](#) that explains the impact of the latest CDPH guidance on the Emergency Temporary Standards.

## Outbreaks

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1. **Q: How will Cal/OSHA ensure employees are adequately protected if there is a surge in COVID-19 cases?**

**A:** The revised ETS still requires employers to implement more protective requirements if an outbreak or major outbreak occurs in a workplace. Cal/OSHA also has the option of proposing changes to the ETS one additional time, if necessary.

## Enforcement

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1. **Q: Will Cal/OSHA issue citations for employers who do not implement all provisions of the January 14 COVID-19 Prevention Emergency Temporary Standards immediately?**

**A:** Employers must implement the revised ETS by January 14, 2022.