



## **COVID-19 Prevention Non-Emergency Regulations to Protect Workers from COVID-19 in Effect**

The Office of Administrative Law (OAL) has finally approved the Non-Emergency Cal/OSHA COVID-19 regulation and it is now officially in effect. The new regulation was approved and became effective on February 3rd and will be in place for two years. The action deletes the COVID-19 Emergency Temporary Standard which contractors were following over the past few years.

Below is the official News Release issued by DIR that includes links to resources to assist employers with understanding their obligations required under the regulation.

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**Release Number:** 2023-14

**Date:** February 4, 2023

**Sacramento**—The COVID-19 Prevention Non-Emergency Regulations requiring employers to protect workers from hazards related to COVID-19 are now in effect, following their approval yesterday by the Office of Administrative Law. The new regulations will remain in effect through February 3, 2025, with recordkeeping requirements in effect through February 3, 2026.

Notable provisions include:

- **COVID workplace measures:** Employers may address COVID-19 workplace measures within their written [Injury and Illness Prevention Program](#) (IIPP) or in a separate document. Employers must maintain an effective written Injury and Illness Prevention Program that addresses COVID-19 as a workplace hazard and includes measures to prevent workplace transmission, employee training, and methods for responding to COVID-19 cases at the workplace. Employers are legally obligated to provide and maintain a safe and healthful workplace for employees, including the prevention of COVID-19 exposure.
- **Close Contact Definition:** Close contact is determined by looking at the size of the workplace, as set forth in the California Department of Public Health (CDPH) [State Public Health Officer Order](#).
  - For indoor spaces of 400,000 or fewer cubic feet per floor, close contact is defined as sharing the same indoor airspace 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 as defined by this section, regardless of the use of face coverings.

- For indoor spaces of greater than 400,000 cubic feet per floor, close contact is defined as being within six feet of the 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, as defined by this section, regardless of the use of face coverings.
- Offices, suites, rooms, waiting areas, break or eating areas, bathrooms, or other spaces that are separated by floor-to-ceiling walls shall be considered distinct indoor spaces.
- **Infectious Period Definition:** Infectious period is defined by the California Department of Public Health (CDPH) [State Public Health Officer Order](#).
- **COVID Testing:** Employers must make COVID-19 testing available at no cost and during employees' paid time, regardless of vaccination status to all employees of the employer who have had close contact in the workplace and who are not returned cases.
- **Ventilation:** For indoor locations, employers must review applicable CDPH guidance and implement effective measures to prevent transmission through improved filtration and/or ventilation.

Cal/OSHA is updating its resources to assist employers with understanding their obligations required by the COVID-19 Prevention Regulations. [The COVID-19 Prevention Resources webpage](#) contains a fact sheet that describes the regulations, FAQs and an updated model program.

The California Division of Occupational Safety and Health, or [Cal/OSHA](#), is the division within the Department of Industrial Relations that helps protect California's workers from health and safety hazards on the job in almost every workplace. [Cal/OSHA's Consultation Services Branch](#) provides free and voluntary assistance to employers to improve their worker health and safety programs. Employers should call (800) 963-9424 for assistance from Cal/OSHA Consultation Services.

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**Employers with Questions on Requirements May Contact:** [InfoCons@dir.ca.gov](mailto:InfoCons@dir.ca.gov), or call your [local Cal/OSHA Consultation Office](#)

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