

# Revisions to the COVID-19 Prevention Emergency Temporary Standards (effective May 6, 2022) Frequently Asked Questions

## **COVID-19 Prevention Emergency Temporary Standards**

The COVID-19 Prevention Emergency Temporary Standards remain in effect. The workplace standards were updated in May 2022. The revisions are in effect until December 31, 2022. More information on the recent revisions to the COVID-19 Prevention Emergency Temporary Standards is available on [Cal/OSHA's Frequently Asked Questions](#).

**May 7, 2022**

**Please note:** Footnotes describing the updates to these FAQs can be found at the bottom of this webpage.

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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) in light of updated guidance from the California Department of Public Health (CDPH) and to make the ETS more flexible if changes are made to CDPH guidance in the future.

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

**A:** The following are the effective dates of the ETS:

- Original ETS: November 30, 2020.
- First re-adoption: June 17, 2021.
- Second re-adoption: January 14, 2022.
- Third re-adoption: May 6, 2022.

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

**A:** This latest ETS update is effective from May 6, 2022 through December 31, 2022.

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1. **Q: What are the important changes in the May 6, 2022 revised ETS?**

**A:** The important changes include the following:

- **Definitions.** Some of the definitions in the ETS were revised. (Cal. Code Regs., tit. 8, § 3205(b))
  - The definitions of “close contact” and “infectious period” are now defined so that their meaning will change if CDPH changes its definition of the term in a regulation or order. This will allow more flexibility and consistency with CDPH.
  - The definition of “COVID-19 test” was simplified to make it easier to use self-administered and self-read tests. A video or observation of the entire test process is no longer necessary; just a date/time-stamped photo of the test result will now be sufficient.
  - The definition of “fully vaccinated” was deleted as this term is no longer used in the regulations. All protections now apply regardless of vaccination status and ETS requirements do not vary based on an employee’s vaccination status.

- **Face Coverings.** Changes were made to face covering requirements (Cal. Code Regs., tit. 8, § 3205(c)(6))
  - Face coverings requirements are the same for all employees regardless of vaccination status.
  - Face coverings are no longer mandatory for unvaccinated workers in all indoor locations.
  - Face coverings are mandatory in the ETS when CDPH requires their use, which currently includes the following indoor settings, regardless of vaccination status (this list will change if CDPH changes their requirements):
    - Emergency shelters
    - Cooling and heating centers
    - Healthcare settings
    - Correctional facilities and detention centers
    - Homeless shelters
    - Long term care settings & adult and senior care facilities
- **Cleaning and disinfecting** requirements were deleted (Cal. Code Regs., tit. 8, § 3205(c)(7))
- **Respirators** must be provided for voluntary use to employees who request them and who work indoors or in vehicles with other persons. This now applies to all employees where previously it only applied to unvaccinated employees. This is consistent with changes made throughout the regulation to provide the same protections to all employees regardless of vaccination status (Cal. Code Regs., tit. 8, § 3205(c)(7)(C)).
- **COVID-19 testing** must be made available to all employees with COVID-19 symptoms. As with respirators, this now applies to all employees regardless of vaccination status whereas previously it only applied to unvaccinated employees (Cal. Code Regs., tit. 8, § 3205(c)(7)(D)).
- **Exclusion of employees who had close contact.** The detailed prescriptive requirements for exclusion of employees after close contact have been deleted. Instead, employers must review [CPDH guidelines](#) for employees who had close contact and implement quarantine and other measures in the workplace to prevent COVID-19 transmission in the workplace. This allows for greater flexibility in the regulations (Cal. Code Regs., tit. 8, § 3205(c)(9)). For more information, please refer to the section on [CDPH's Isolation and](#)

[Quarantine Guidance](#) in the [general FAQs](#), and to [Cal/OSHA's fact sheet on quarantine and isolation](#).

- **Exclusion of employees with COVID-19.** The requirements for employees who test positive for COVID-19 have been updated to reflect the most recent April 6, 2022 [CDPH isolation and quarantine guidelines](#). Regardless of vaccination status, employees who test positive can return to work after 5 days if the employee has a negative test, symptoms are improving, and they wear a face covering at work for an additional 5 days. Otherwise most employees can return after 10 days. (Cal. Code Regs., tit. 8, § 3205(c)(10)). For more information, please refer to the section on [CDPH's Isolation and Quarantine Guidance](#) in the [general FAQs](#), and to [Cal/OSHA's fact sheet on quarantine and isolation](#).
- **Outbreaks**
  - **Testing and Exclusion.** Employees who had close contacts must test negative or be excluded from the workplace until the return to work requirements for COVID-19 cases in are met. (Cal. Code Regs., tit. 8, § 3205.1(b)(2)(C))
  - **Partitions/barriers.** Employers no longer need to consider the use of barriers or partitions to reduce COVID-19 transmission in outbreaks. These requirements have been deleted. (Cal. Code Regs., tit. 8, § 3205.1(d)(3))
- **Major Outbreaks**
  - **Testing and Exclusion.** All employees in the exposed group must test negative or be excluded from the workplace until the return to work requirements for COVID-19 cases in are met. (Cal. Code Regs., tit. 8, § 3205.2(b))
  - **Partitions/barriers.** Similar to the regular outbreak section, partition and barrier requirements have also been deleted and are no longer required. (Cal. Code Regs., tit. 8, § 3205.2(c))
- **Employer-Provided Housing.**
  - **Immunity status.** Exceptions for fully vaccinated and recently recovered residents have been deleted and protections in this section apply to all residents regardless of their immunity status. (Cal. Code Regs., tit. 8, § 3205.3(a)(5) and (g))
  - **Cleaning and disinfecting** requirements have been deleted and are no longer required. (Cal. Code Regs., tit. 8, § 3205.3)
- **Employer-Provided Transportation**
  - **Vaccination status.** An exception for fully vaccinated employees has been deleted and protections in this section

apply to all vehicle occupants regardless of vaccination status. (Cal. Code Regs., tit. 8, § 3205.4)

- **Face coverings.**

- Mandatory face covering use by all in vehicles has been deleted. Instead of this requirement, employers must review [CDPH](#) and local health department recommendations regarding face coverings and implement face covering policies that effectively eliminate or minimize COVID transmission in vehicles. (Cal. Code Regs., tit. 8, § 3205.4(c)(2))
- There is a new requirement for employers to train employees on CDPH and local health department recommendations regarding face coverings and the employer's policies. (Cal. Code Regs., tit. 8, § 3205.4(c)(3))

- Cleaning and disinfecting requirements have been deleted and are no longer required. (Cal. Code Regs., tit. 8, § 3205.4)

**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.
- Offering 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.

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

**A:** There are no physical distancing requirements 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 is 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.
- 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.

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1. **Q: Are there any changes to respirator requirements in the May 6, 2022 ETS compared to the previous version of the ETS?**

**A:** Respirators must be provided to employees upon request regardless of vaccination status. Previously respirators only had to be provided to unvaccinated employees upon request.

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1. **Q: Are there any changes to face covering requirements in the May 6, 2022 ETS compared to the previous version of the ETS?**

**A:** Unvaccinated employees are no longer required to wear face coverings in all indoor locations.

Employers must continue to provide face coverings and ensure they are worn when required by orders from the CDPH. The [February 28, 2022 masking order from the CDPH](#) requires that all workers in the following sectors wear face coverings indoors:

- [Emergency shelters](#) and [cooling and heating centers](#)
- [Healthcare settings](#) (applies to all healthcare settings, including those that are not covered by the [State Health Officer Order issued on July 26, 2021](#))
- State and local [correctional facilities and detention centers](#)
- [Homeless shelters](#)
- [Long Term Care Settings & Adult and Senior Care Facilities](#)

Cal/OSHA will continue to enforce the requirement of universal masking where it is required by CDPH orders.

In addition, employees can request face coverings from the employer at no cost to the employee and can wear them at work, regardless of vaccination status, without fear of retaliation, as specified in section 3205(c)(5)(J).

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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 employees, regardless of vaccination status and regardless of whether there is a known exposure.
- 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 and employees who were not at work during the relevant period, regardless of vaccination status, in an outbreak or a major outbreak. During an outbreak, all close contacts must either be tested or excluded from the workplace until the return to work requirements for COVID-19 cases in are met. During a major outbreak, all employees must either be tested or excluded until these return to work requirements are met.
- 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 positive 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.

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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.

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1. **Q: Will Cal/OSHA issue citations for employers who do not implement all provisions of the ETS immediately?**

A: Employers must implement the revised ETS by May 6, 2022.

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- January 14, 2022
  - Entire FAQ page updated to reflect revisions effective January 14, 2022 to the COVID-19 ETS
- February 25, 2022
  - Updated Face Coverings section Q&A number 2
- March 1, 2022
  - Removed Vaccines section
- March 2, 2022
  - Added Face Coverings Q&A number 1
  - Removed Face Coverings Q&A number 1 and 2
- May 7, 2022
  - Entire FAQ page updated to reflect revisions effective May 6, 2022 to the COVID-19 ETS