

California: COVID-19 Prevention Non-Emergency Regulations Adopted

On December 15, 2022, the California Occupational Safety and Health Standards Board (OSHSB) adopted non-emergency COVID-19 prevention regulations. They still require Office of Administrative Law approval, so they are not effective and the [COVID-19 Prevention Emergency Temporary Standards \(ETS\)](#)—set to expire January 1, 2023—continue to be enforceable. Upon approval, the adopted regulations will take effect and Cal/OSHA will publish updated FAQs and a model program. The regulations will be effective for two years and employers must keep related records for three years.

The adopted regulations contain worker protections and work in conjunction with California Department of Public Health (CDPH) guidance. Other provisions include:

- **COVID workplace measures:** Employers are legally obligated to provide and maintain a safe and healthy workplace for employees, including taking measures to prevent COVID-19 exposure. Employers must maintain an effective written Injury and Illness Prevention Program (IIPP) 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 may address COVID-19 workplace measures within their written IIPP or in a separate document.
- **COVID testing:** Employers must make COVID-19 testing available at no cost and during paid time to employees following a close contact, except for returned cases.
- **Ventilation:** For all indoor locations regardless of size, employers must review applicable CDPH guidance and implement effective measures to prevent transmission through improved filtration and/or ventilation.
- **Close contact definition:** Close contact is defined by the size of the workplace, with varying thresholds for:
 - Indoor spaces 400,000 or fewer cubic feet per floor;
 - Indoor spaces of greater than 400,000 cubic feet per floor; and
 - Offices, suites, rooms, waiting areas, break or eating areas, bathrooms, or other spaces that are separated by floor-to-ceiling walls.
- **Infectious period definition:** The regulations use the definition of “infectious period” found in the most recent [CDPH State Public Health Officer Order](#).

The state’s [COVID-19 Prevention – Non-Emergency Regulations website](#) has more information.