



Forensic Analytical Consulting Services



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Implementing the Emergency Temporary Standard (8CCR 3205)

Presented by:

Malek Alaouie, CIE

Malek.Alaouie@forensicanalytical.com

(510) 266-4661

03/04/21

Right People. **Right** Perspective. **Right** Now.

What is the "work environment"?

- Work environment is defined as "the establishment and other locations where one or more employees are working or are present as a condition of their employment. The work environment includes not only physical locations, but also the equipment or materials used by the employee during the course of his or her work."
- *California Code of Regulations, Title 8, Section 14300.5.*

Outline

1. Emergency Temporary Standard
2. COVID-19 Prevention
3. COVID-19 Infections and Outbreaks
4. Prevention in Employer-Provided Housing and Transportation
5. Site Risk Assessment
6. Q & A



Effective Date: November 30, 2020

Expiration Date: October 2, 2021 (90-days extensions)

1. EMERGENCY TEMPORARY STANDARD

Five New Sections

- Title 8, California Code of Regulations,
 - Division 1. Department of Industrial Relations
 - Chapter 4. Division of Industrial Safety
 - Subchapter 7. General Industry Safety Orders
 - » Section 3203 Injury and Illness Program
 - » **Section 3205 COVID-19 Prevention**
 - **3205.1 Multiple Covid-19 Infections and Covid-19 Outbreaks**
 - **3205.2 Major Covid-19 Outbreaks**
 - **3205.3 Covid-19 Prevention in Employer-Provided Housing**
 - **3205.4 Covid-19 Prevention in Employer-Provided Transportation to and from Work**

Model COVID-19 Prevention Program (CPP)

With some exceptions, all employers and places of employment are required to establish and implement an effective written COVID-19 Prevention Program (CPP) pursuant to an Emergency Temporary Standard in place for COVID-19 (California Code of Regulations (CCR), Title 8, section 3205(c)). Cal/OSHA has developed this model program to assist employers with creating their own unique CPP tailored to their workplace.

Employers are not required to use this program. Employers may create their own program or use another CPP template. Employers can also create a written CPP by incorporating elements of this program into their existing Injury and Illness Prevention Program (IIPP). If desired, Cal/OSHA encourages employers to engage with employees in the design, implementation and evolution of their COVID-19 Prevention Program.

Using this model alone does not ensure compliance with the emergency temporary standard. To use this model program effectively, the person(s) responsible for implementing the CPP should carefully review:

- All of the elements that may be required in the following CCR, Title 8 sections:
 - 3205. COVID-19 Prevention
 - 3205.1. Mitigate COVID-19 Infection and COVID-19 Outbreaks
 - 3205.2. Major COVID-19 Outbreaks
 - 3205.3. Prevention in Employer-Provided Housing
 - 3205.4. COVID-19 Prevention in Employer-Provided Transportation to and from Work
 - The four Additional Considerations provided at the end of this program to see if they are applicable to your workplace.
- The additional guidance materials available at www.dir.ca.gov/dosh/coronavirus/



November 2020

8CCR 3205

2. COVID-19 PREVENTION

Scope

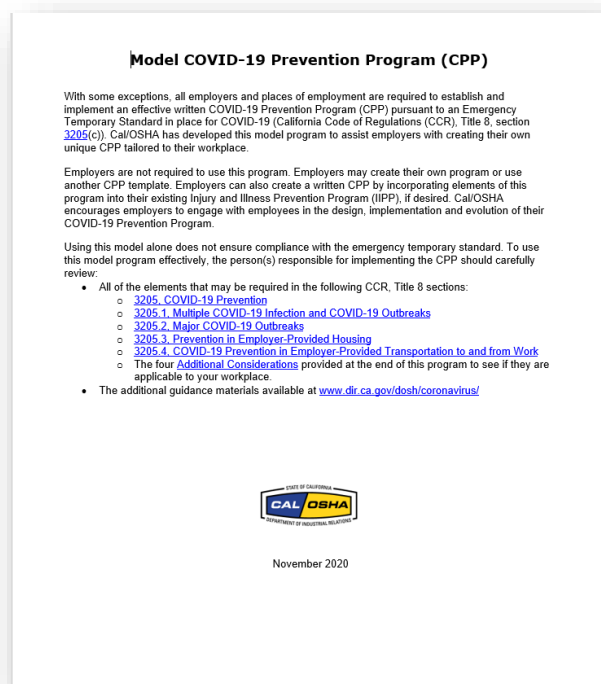
- Applies to all employees and places of employment.
- Exceptions:
 - a) Places of employment with one employee who does not have contact with other persons.
 - b) Employees working from home.
 - c) Employees when covered by section 5199 (ATD).

Definitions

- COVID-19 (SARS-CoV-2)
- COVID-19 Case
- COVID-19 Exposure
- COVID-19 Hazard
- COVID-19 Symptoms
- COVID-19 Test
- Exposed Workplace
- Face Covering
- High Risk Exposure Period

COVID-19 Prevention Program (CPP)

May be integrated into the employer's IIPP required by section 3203 or be maintained in a separate document.



1. Communication
2. Identification / Evaluation of Hazards
3. Investigation / Responding to Cases
4. Correction of Hazards
5. Training
6. Physical Distancing
7. Face Covering
8. Controls
9. Reporting, Recordkeeping and Access
10. Exclusion of COVID-19 Cases
11. Return to Work

1. Communication

- a) Reporting of COVID-19 symptoms, possible exposures, and possible hazards at the workplace without fear of reprisal.
- b) Describing procedures or policies for accommodating at-risk employees.
- c) Providing information about access to COVID-19 testing.
- d) Communicating information about COVID-19 hazards and the employer's COVID-19 policies and procedures to stakeholders.

REPORT



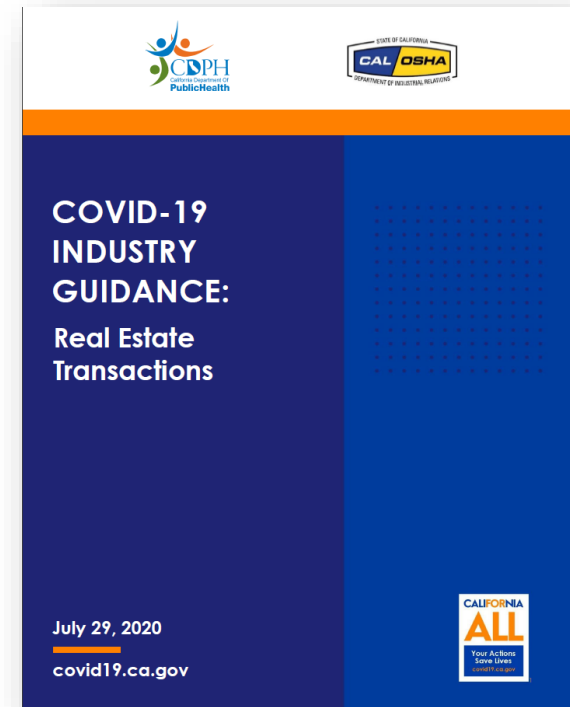
2. Identification and evaluation of COVID-19 hazards

- a) Participation in the identification and evaluation of COVID-19 hazards.
- b) Developing and implementing a process for screening employees for and responding to employees with COVID-19 symptoms.
- c) Effective and immediate response to COVID-19 cases at the workplace.
- d) **Conducting site-specific hazard assessment.**
- e) **Ventilation**



2. Identification and evaluation of COVID-19 hazards

- f) Review State and local health department orders including industry-specific guidance.
- g) Evaluating existing COVID-19 prevention controls at the workplace.
- h) Conducting periodic inspections to ensure compliance with employers' COVID-19 policies and procedures.



3. Investigating and responding to COVID-19 cases in the workplace

- Effective procedure to investigate COVID-19 cases in the workplace.
- Contact tracing, notifications, testing, and contributing factors.
- Confidentiality of employees.



CONFIDENTIAL

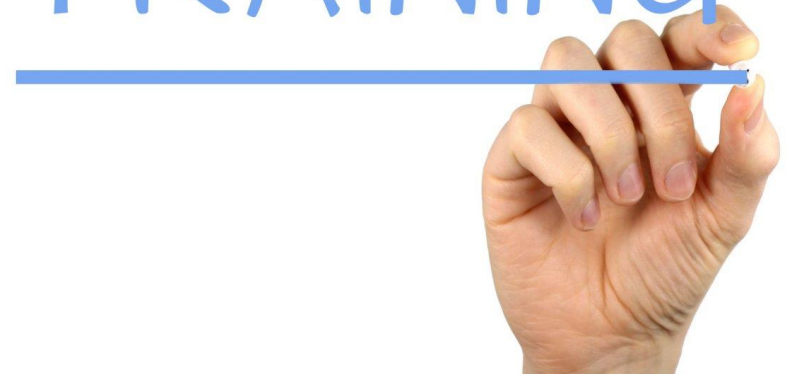
4. Correction of COVID-19 hazards

- Employers shall implement effective policies and/or procedures for correcting unsafe or unhealthy conditions, work practices, policies and procedures in a timely manner based on the severity of the hazard.

5. Training and instruction

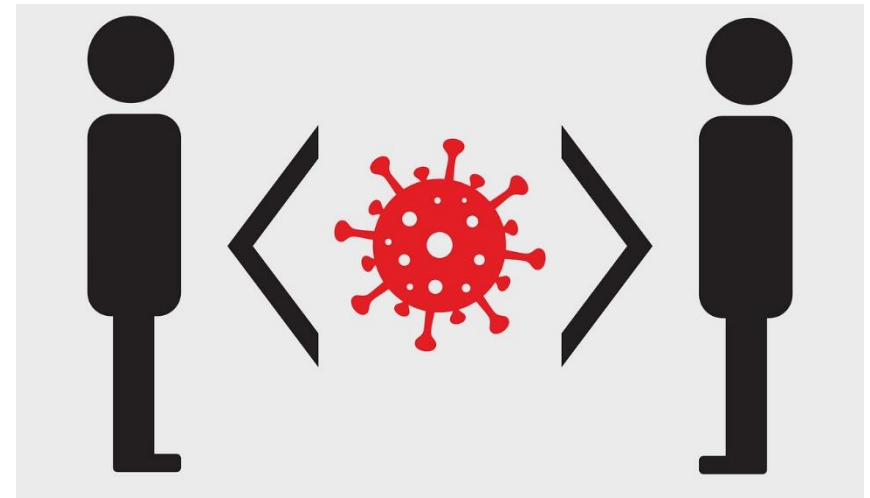
- The employer's COVID-19 policies and procedures
- Information regarding COVID-19-related benefits
- COVID-19 transmission routes
- Physical distancing, face coverings and hand hygiene
- COVID-19 Symptoms

TRAINING



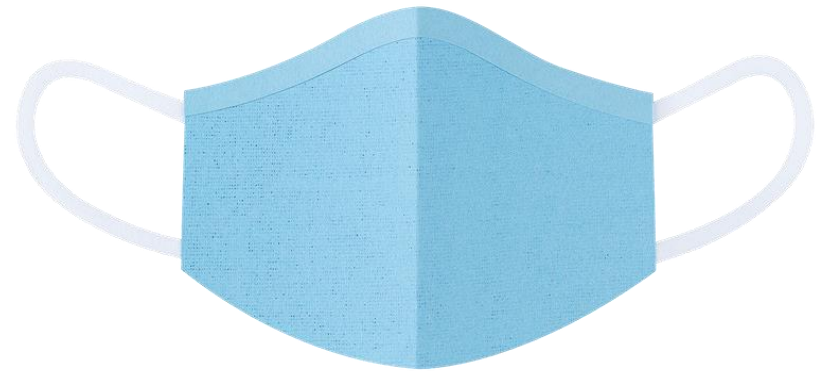
6. Physical distancing

- Six feet separation
- Telework and remote work arrangements
- Reducing occupancy
- Visual cues
- Staggering
- Task modification



7. Face coverings

- Face coverings to be worn by employees over the nose and mouth when:
 - indoors,
 - outdoors and less than six feet away from another person,
 - where required by orders from the CDPH or local health department.

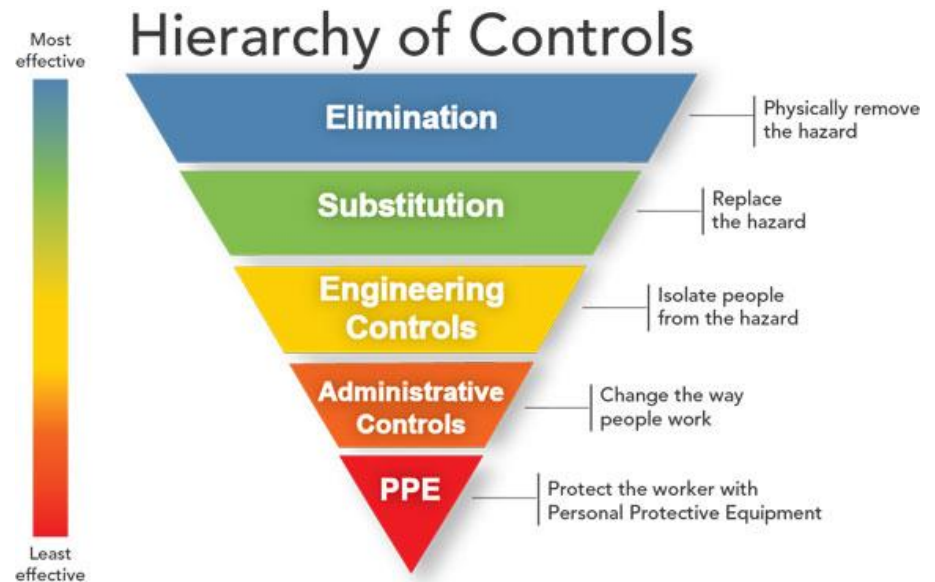


7. Face coverings

- Exceptions:
 - Alone in a room
 - While eating and drinking at the workplace
 - Employees wearing respiratory protection
 - Medical or mental health condition or disability
- Exempted employees shall:
 - wear an effective non-restrictive alternative
 - be at least six feet apart from all other persons unless tested at least twice weekly.

8. Other engineering controls, administrative controls, and personal protective equipment

- Installing cleanable solid partitions.
- Maximizing outdoor air intake when weather conditions permit.
- Cleaning and disinfection procedures
- PPE and respiratory protection (section 5144)



9. Reporting, recordkeeping, and access

- Report to the local health department
- Report immediately to the Division any COVID-19-related serious illnesses or death (Section 330 h)
 - “Serious injury or illness” means any injury or illness occurring in a place of employment or in connection with any employment that requires inpatient hospitalization for other than medical observation or diagnostic testing, or in which an employee suffers an amputation, the loss of an eye, or any serious degree of permanent disfigurement, but does not include any injury or illness or death caused by an accident on a public street or highway, unless the accident occurred in a construction zone.

Reporting, recordkeeping, and access

- Maintain records of the steps taken to implement the written COVID-19 Prevention Program
- COVID-19 Prevention Program shall be made available upon request
- Keep a record of and track all COVID-19 cases with necessary information

Cal/OSHA Form 300 (Rev. 7/2007) Appendix A
Log of Work-Related Injuries and Illnesses

Attention: This form contains information relating to employee health and must be used in a manner that protects the confidentiality of employees to the extent possible while the information is being used for occupational safety and health purposes.
 (See [CCR Title 8 14300.29\(b\)\(4\)-\(10\)](#).)

Year 20

Employment name
 City State

You must record information about every work-related death and about every work-related injury or illness that involves loss of consciousness, restricted work activity or job transfer, days away from work, or medical treatment beyond first aid. You must also record significant work-related injuries and illnesses that are diagnosed by a physician or licensed health care professional. You must also record work-related injuries and illnesses that meet any of the specific recording criteria listed in CCR Title 8 Section 14300.8 through 14300.12. Feel free to use two lines for a single case if you need to. You must complete an Injury and Illness Incident Report (Cal/OSHA Form 301) or equivalent form for each injury or illness recorded on this form. If you're not sure whether a case is recordable, call your local Cal/OSHA office for help.

Identify the person		Describe the case		Classify the case				Enter the number of days the injured or ill employee was out of work		Check the "Injury" column or illness and type of illness	
(A) Case no.	(B) Employee's name	(C) Job title (e.g., Helper)	(D) Date of injury or onset of illness	(E) Where the event occurred (e.g., Loading dock north end)	(F) Describe injury or illness, parts of body affected, and object/substance that directly injured or made person ill (e.g., Second degree burn on right forearm from scythes work)	(G) Result	(H) Restricted work activity or job transfer	(I) Days lost	(J) Days lost	(K) Injury	(L) Illness
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10. Exclusion of COVID-19 cases

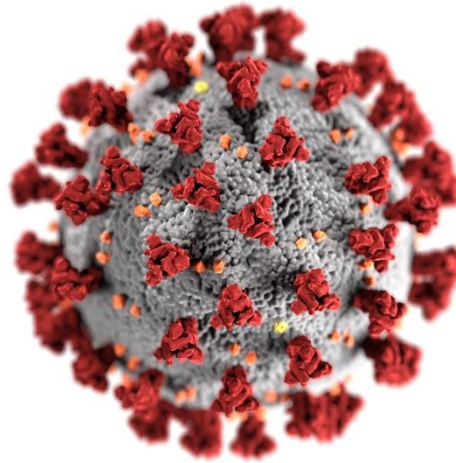
- COVID-19 cases are excluded from the workplace until the return to work requirements are met
- Exclude employees with COVID-19 exposure from the workplace for 14 days
- Employers shall continue and maintain an employee's earnings, seniority, and all other employee rights and benefits

11. Return to work criteria

- At least 24 hours have passed since a fever of 100.4 or higher has resolved without the use of fever-reducing medications
- COVID-19 symptoms have improved; and
- At least 10 days have passed since COVID-19 symptoms first appeared
- COVID-19 cases who tested positive but never developed COVID-19 symptoms shall not return to work until a minimum of 10 days have passed since the date of specimen collection

11. Return to work criteria

- If an order to isolate or quarantine an employee is issued by a local or state health official, the employee shall not return to work until:
 - the period of isolation or quarantine is completed or
 - the order is lifted.
- If no period was specified, then the period shall be 10 days from the time the order to isolate was effective, or 14 days from the time the order to quarantine was effective.



8CCR 3205.1, 3205.2

3. COVID-19 INFECTIONS AND OUTBREAKS

Multiple COVID-19 Infections and COVID-19 Outbreaks

- 3 or more COVID-19 cases in an exposed workplace within a 14-day period.
- Until there are no new COVID-19 cases detected in a workplace for a 14-day period.
- COVID-19 testing shall be provided at no cost to employees during employees' working hours.
- All employees in the exposed workplace shall be tested and then tested again one week later.
- Negative COVID-19 test results shall not impact the duration of any quarantine period.
- Employers shall provide continuous COVID-19 testing of employees who remain at the workplace at least once per week.

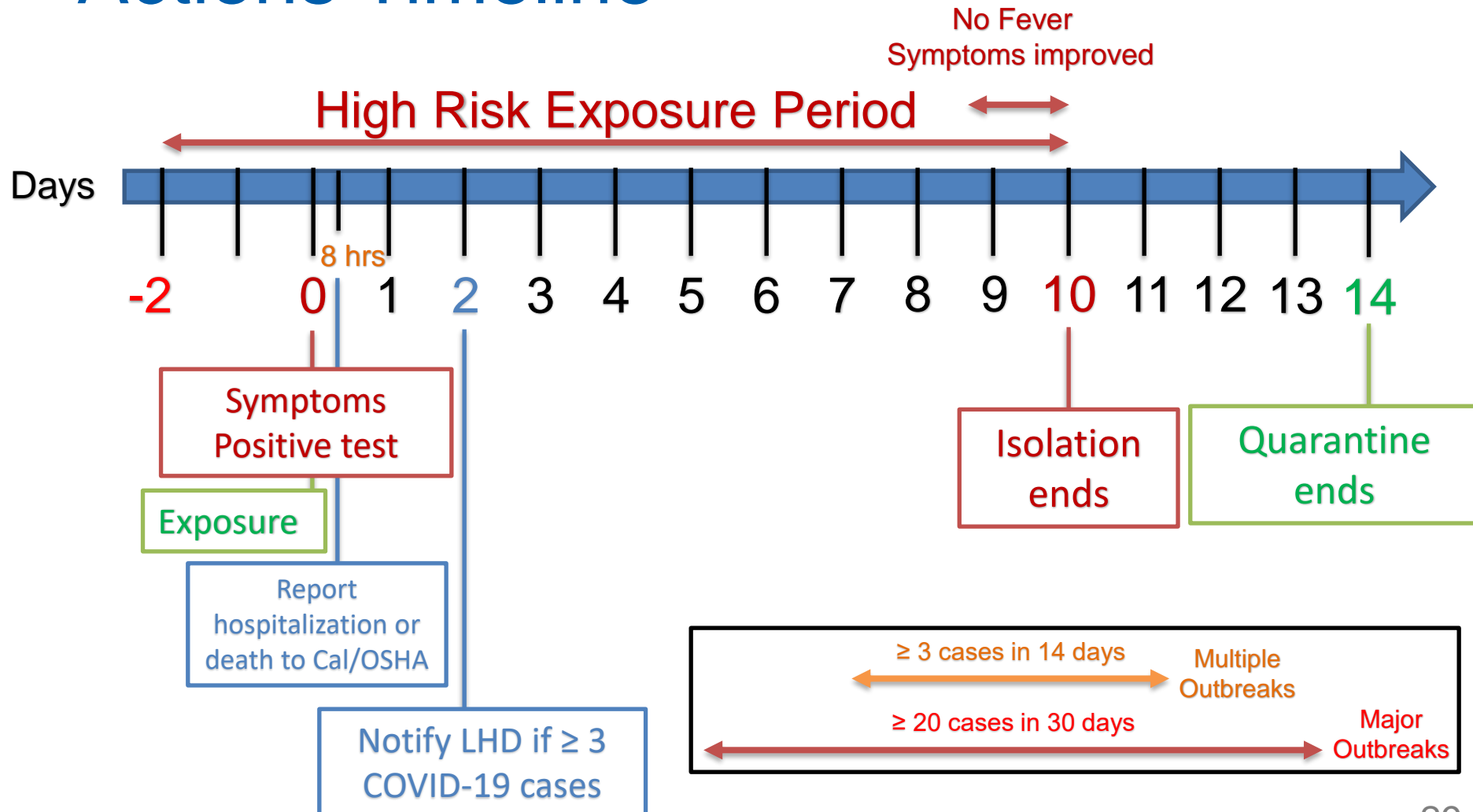
Multiple COVID-19 Infections and COVID-19 Outbreaks

- Immediate investigation and determination of possible workplace related factors that contributed to the COVID-19 outbreak.
- Hazard correction and review of current policies which shall be updated every 30 days as the outbreak continues.
- Contact the local health department immediately but no longer than 48 hours after the employer knows of three or more COVID-19 cases.

Major COVID-19 Outbreaks

- 20 or more COVID-19 cases in an exposed workplace within a 30-day period
- Until there are no new COVID-19 cases detected in a workplace for a 14-day period
- Twice a week COVID-19 testing or more frequently
- Hazard correction / Increase filtration
- Respiratory protection
- Notification to local health department

Actions Timeline





8CCR 3205.3, 3205.4

4. PREVENTION IN EMPLOYER- PROVIDED HOUSING AND TRANSPORTATION

30

Employer-Provided Housing

- Living quarters, dwelling, boardinghouse, tent, bunkhouse, maintenance-of-way car, mobile home, manufactured home, recreational vehicle, travel trailer, or other housing accommodations.

Employer-Provided Housing

- Assignment of housing units
- Physical distancing and controls
- Face covering and personal hygiene
- Cleaning and disinfection
- Screening
- Isolation



Employer-Provided Transportation

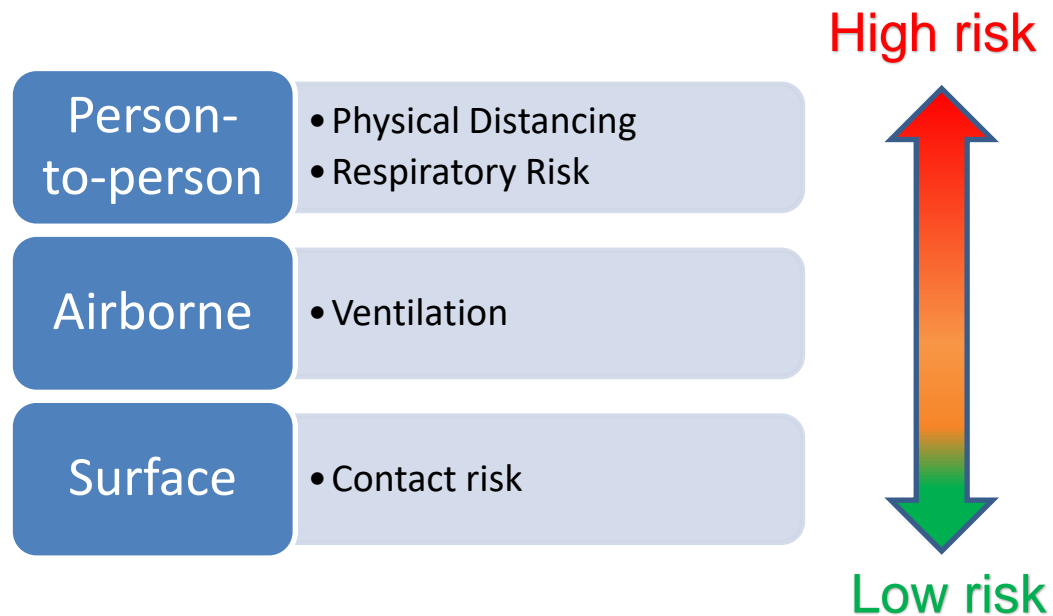
- Assignment of transportation
- Physical distancing and face covering
- Cleaning and disinfection
- Screening
- Ventilation
- Hand hygiene





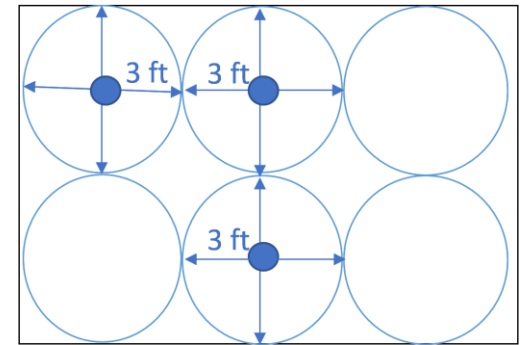
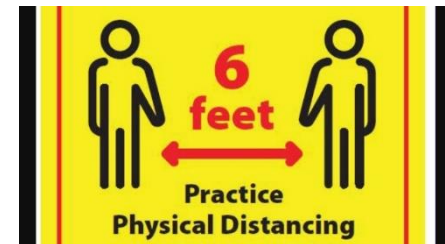
5. SITE RISK ASSESSMENT

Risk Determinants



Person-to-person transmission

- Is Physical Distancing Achievable?
- Respiratory risk?
- Solid partitions?
- Visual cues?



Airborne transmission

- Mechanical / natural ventilation ?
- Filter efficiency?
- Economizer-controlled / outdoor air?
- Portable HEPA filters?
- Supplemental technologies?

ASHRAE 62.1 Table 6.2.2.1

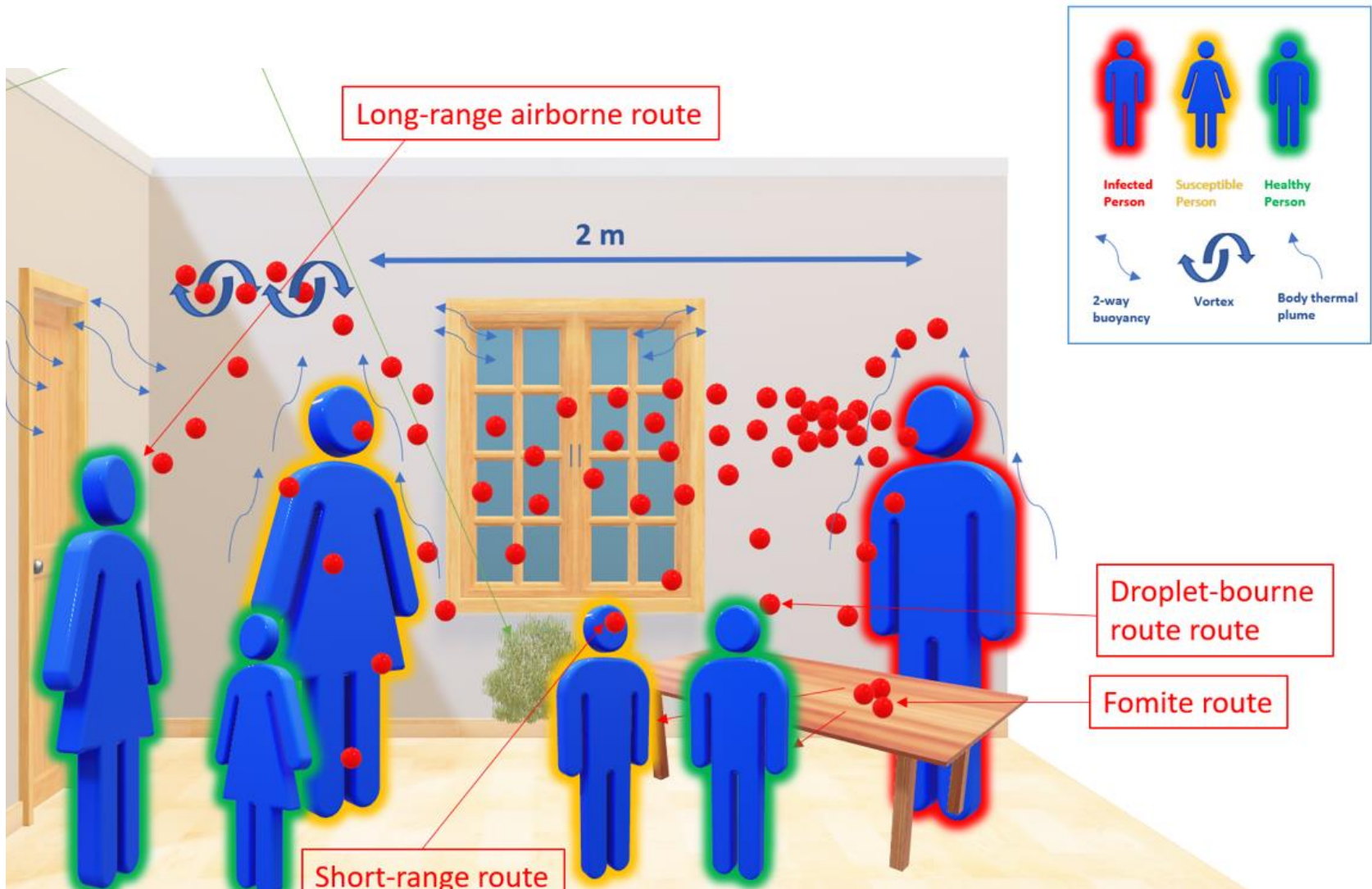


MERV rating	Particle size 0.3 to 1 microns	Particle size 1 to 3 microns	Particle size 3 to 10 microns
MERV 8	<20%	<20%	70-85%
MERV 13	<75%	>90%	>90%
MERV 16	>95%	>95%	>90%
HEPA	>99%	>99%	>99%

Surface Transmission

- Clutter?
- Communal equipment?
- Shared tools?
- Housekeeping?
- Cleaning/Disinfection log?
- Selection of disinfectant (EPA List N)





References

- **Cal/OSHA COVID-19 Guidance and Resources:**
 - <https://www.dir.ca.gov/dosh/coronavirus/>
- **Cal/OSHA and Statewide Industry Guidance on COVID-19:**
 - <https://www.dir.ca.gov/dosh/coronavirus/Guidance-by-Industry.html>
- **COVID-19 Prevention Emergency Temporary Standards:**
 - <https://www.dir.ca.gov/dosh/coronavirus/ETS.html>
- **COVID-19 Emergency Temporary Standards Frequently Asked Questions**
 - <https://www.dir.ca.gov/dosh/coronavirus/COVID19FAQs.html>
- **List N: Disinfectants for Coronavirus (COVID-19):**
 - <https://www.epa.gov/pesticide-registration/list-n-disinfectants-coronavirus-covid-19>

Thank You!

Forensic Analytical Consulting Services, Inc.

Right
People.

Right
Perspective.

Right
Now.