

CALIFORNIA INDUSTRIAL HYGIENE COUNCIL

*Advancing public policy to improve the health and safety
of workers and the community.*

April 21, 2020

Honorable Gavin Newsom
State Capitol Building, 1st Floor
Sacramento, CA 95814

RE: Expansion of Executive Order N-33-20

Dear Governor Newsom:

On behalf of the California community of industrial hygienists and occupational health and safety professionals, the California Industrial Hygiene Council (CIHC) is requesting clarification on “essential workers”. The CIHC maintains that our constituents are essential workers. Especially in these unusual times, all workplaces and associated work must be maintained and conducted so as to provide a safe and healthful work environment in accordance with employer safety policies and programs and Cal/OSHA requirements, and for the benefit of all “essential workers”. Our constituents are essential to assuring safe and healthful work environments. The list of essential workers in the Governor’s Executive Order N-33-20 implies that this group of critical professionals are essential, but they are not explicitly included.

For example, from Executive Order N-33-20, the following categories (emphasis added) could be interpreted to include the industrial hygienists and occupational health and safety professionals, but again it is open to interpretation, and as a result, has caused some confusion for many of our constituents.

- ***Workers performing*** security, incident management, and ***emergency operations functions*** at or on behalf of healthcare entities...
- Petroleum security operations center employees and ***workers who support emergency response*** services...
- ***Workers such as*** plumbers, electricians, exterminators, and ***other service providers*** who provide services that are ***necessary to maintaining the safety***, sanitation, construction material sources, and essential operation of construction sites and construction projects...
- ***Professional services***, such as legal or accounting services, ***when necessary to assist in compliance*** with legally mandated activities and critical sector services...
- ***Workers who support*** hazardous materials response and cleanup...
- ***Workers supporting the operation and maintenance of facilities*** (particularly those with high risk chemicals and/ or sites that cannot be shut down)...
- ***Personnel*** working for companies, and their subcontractors, ***who perform under contract*** to the Department of Defense ***providing*** materials and ***services*** to the Department of Defense, and government-owned/contractor-operated and government-owned/government-operated facilities...

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We are providing recommended language (just below) that could be added as a revision of Executive Order N-33-20 to clarify the intent. We are assuming that you intended to assure that all essential workers have a safe and healthful work environment.

“Essential workers include employed and contracted industrial hygienists, occupational health and safety professionals, safety specialists and others who support California employers and workers to assure safe and healthful working conditions.”

The CIHC, founded in 1990, represents the industrial hygiene and the occupational and environmental health professions in California. CIHC is affiliated with the national American Industrial Hygiene Association (AIHA), an 8,000-member organization. The CIHC is formally comprised of industrial hygienists and occupational and environmental health and safety professionals who are members of the five California AIHA local sections represented by the CIHC Board of Directors. The CIHC’s mission is to provide sound scientific and technological input to the regulatory and legislative processes, and establish a legislative presence in the state Capitol through professional representation.

CIHC appreciates the opportunity to provide this request for your consideration. Please let us know if there are any questions or you need additional information. I can be reached by telephone at (530) 622-7196 or email at kwa-sacramento@att.net.

Sincerely,

Pamela Murcell, MS, CIH
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California Industrial Hygiene Council

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