

# CALIFORNIA INDUSTRIAL HYGIENE COUNCIL

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

August 13, 2021

Via email: [OSHSB@dir.ca.gov](mailto:OSHSB@dir.ca.gov)

Ms. Christina Shupe  
Executive Director  
Occupational Safety and Health Standards  
Board  
Sacramento, CA

Subject: Comments for Standards Board COVID-19 Prevention Subcommittee

Dear Ms. Shupe:

The California Industrial Hygiene Council (CIHC) appreciates the opportunity to comment on the COVID-19 Prevention emergency temporary standard (ETS). We appreciate the challenges this issue has presented, and the hard work and countless hours from Board staff and DOSH staff on this issue. CIHC represents OHS professionals in CA and works to enhance their professional practice.

The ETS stakeholders, which includes CIHC, were asked by the Subcommittee to provide input on the pros and cons of certain metrics for use in guiding the path forward on what to do with the ETS. Also, to recommend other metrics (if any) and why such would be useful.

With or without metrics, applicable or not, the Standards Board and the Division cannot move rapidly enough for occupational health and safety regulations (emergency process or otherwise) to keep up with the constantly changing information and guidance related to COVID-19.

The version of the ETS that went into effect on June 17, 2021 is the version that should be allowed to play itself out as an emergency standard without further changes in a futile attempt to try and keep up with the bouncing ball. A second readoption is allowed under the emergency regulation process, and if that is approved, presumably at the December 16, 2021 monthly Standards Board meeting, it will carry the ETS into March 2022 before it expires (assuming a 90-day period for effectiveness that would start in December 2021).

CIHC supports no changes to the ETS language, and expiration of the ETS without a certificate of compliance that would make it a permanent regulation. Changes to the ETS would only add further employer and employee confusion on what is required in the work environment. In addition to compliance with the ETS, employers are allowed to establish policies that are in the best interest of their employees and their specific work environment, and per 8 CCR 3205(a)(2) "Nothing in this section (3205) is intended to limit more protective or stringent state or local health department mandates or guidance." There are numerous guidance documents available to assist employers in such decisions.

The Standards Board and the Division would better serve their stakeholders by simply providing FAQs and compliance assistance on the ETS, and moving expeditiously with a path forward to permanently address worker protection in all industries from infectious diseases. This would be a better use of valuable resources rather than further attempts to regulate protections and prevention measures for COVID-19.

Resources need to be committed to develop a permanent regulation for infectious disease control for work environments that are not covered by the Aerosol Transmissible Diseases regulation, and to make any necessary changes to the ATD regulation to assure clarity that prevention and protection measures included in the ATD regulation are applicable to COVID-19 and related diseases for work environments that are covered by the ATD regulation.

CIHC looks forward to further advisory committee participation to assist the Board and the Division with a path forward on permanent regulation for infectious disease protection, and again we encourage expediting this approach. The Standards Board and the Division need to stop the futile efforts to work on any additional changes to the COVID-19 Prevention ETS.

Thank you for your time and consideration. Please contact me on behalf of the CIHC at (916) 712-4547 or kwa-sacramento@att.net.

Very truly yours,  
California Industrial Hygiene Council

A handwritten signature in cursive script that reads "Pamela Murcell".

Pamela Murcell, MS, CIH  
President, CIHC