



State of California  
Office of the Attorney General

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ATTORNEY GENERAL

November 16, 2020

Occupational Safety and Health Standards Board  
1017 L Street, PMB #254  
Sacramento, CA 95814-3805

**VIA EMAIL**

RE: Cal/OSHA Emergency COVID-19 Prevention Regulation - SUPPORT

Dear Members of the Occupational Safety and Health Standards Board:

I am pleased to support the proposed Emergency COVID-19 Prevention Regulation submitted for your vote and respectfully request your approval of this essential worker safety regulation. Throughout this pandemic, the California Department of Justice has examined workplaces in various essential industries, and has found that a standard is urgently needed to specifically address grave deficiencies in workplace responses to COVID-19. This regulation establishes clear legal standards for employers to follow in order to appropriately protect their employees during the COVID-19 pandemic and I urge you to expeditiously issue these standards.

COVID-19 spreads very easily and sustainably between people by way of person-to-person contact, through respiratory droplets, aerosols, and contact with contaminated surfaces. In general, the more closely a person interacts with others and the longer that interaction is, the higher the risk of infection. As we face a renewed surge of COVID-19 cases that is sweeping across the nation, California has a preciously short window of opportunity to put the necessary legal structures in place to protect our communities. COVID-19 is destined to spread at troubling rates in workplaces unless California sets clear standards for the workplace to protect our workers, their families, and the public at large.

Since the pandemic began in March 2020, California state agencies, including the Division of Occupational Safety and Health (Cal/OSHA), have issued numerous guidance documents outlining employer best practices. To date, we have found that employers have not consistently implemented these best practices and have not uniformly abided by local public health orders. A clear statewide emergency standard will require all parties to be informed about and abide by standards informed by the latest scientific knowledge.



Low-income workers and communities of color have been particularly vulnerable due to their disproportionate representation among essential workers. Their health and well-being must not be sacrificed as we battle this pandemic. Already, more than 1 million Californians are known to have been infected by the coronavirus. The proposed emergency regulation directly applies our current knowledge about how COVID-19 spreads and the best prevention practices in workplaces to protect all Californians.

The proposed emergency regulation provides a clear road map for responsible employers to implement effective safety measures. Among other things, it mandates that employers:

- conduct COVID-19 specific hazard assessments and create a written COVID-19 prevention program;
- correct identified COVID-19-related hazards;
- identify and notify all workers exposed to COVID-19 positive cases;
- provide testing free of charge to employees in the event of COVID-19 positive cases in the workplace;
- train employees on COVID-19 prevention;
- mandate and enforce the wearing of face coverings in the workplace;
- provide face coverings and personal protective equipment free of charge where needed; and
- implement safety measures in employer-provided housing and transportation.

The emergency regulation will provide much needed measures that protect the health and safety of workers as well as the public health of their communities. The need is clear and the time is now to issue an enforceable standard that directly and comprehensively addresses the unique and extraordinary nature of COVID-19.

I strongly support this essential and commonsense regulation that will greatly improve worker safety in California.

Sincerely,



XAVIER BECERRA  
Attorney General