

New workplace COVID/Cal-Osha rules take effect Friday (Jan. 14th)

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California's COVID-19 workplace rules are set to change Friday with more stringent requirements taking effect for employee testing and mask-wearing.

The new rules from Cal-OSHA come as California struggles to respond to a new wave of omicron variant COVID-19 cases.

One of the biggest changes has to do with employees who have to get a COVID-19 test after exposure in the workplace.

Self-administered, self-read tests — in other words, tests taken at home — will no longer be allowed under the new regulations.

Instead, a test can go to a laboratory, an employee can take a test in front of a supervisor or an employee can take a test in front of a health care representative.

The Department of Industrial Relations said in a statement that employers are free to offer self-read, self-administered COVID-19 tests in addition to the testing which must be offered under the proposed regulation.

“For instance, over the course of the pandemic some employers have offered broad, surveillance testing even though that is not required by the regulation,” said a department spokesperson.

Employees already are required to wear a face covering when indoors. However, Cal-OSHA is tightening its definition of what qualifies as a face covering.

The new definition includes “a surgical mask, a medical procedure mask, a respirator worn voluntarily or a tightly woven fabric or non-woven material of at least two layers.”

In the case of a fabric mask, it must not let light pass through when held up to a light source.

According to a Department of Industrial Relations spokesperson, the “light test” is based in part on guidance from the federal Centers for Disease Control and Prevention. The idea is to “contain the wearer’s potentially infectious respiratory particles produced when they cough, sneeze, or talk.”

“Cloth face coverings do not need to completely block out light — this is just one way to help assess if it is made from a tightly woven fabric or non-woven material. Holding a face covering up to a light is also a good way to see if there are any very small holes or perforations that would not normally be visible,” according to a department spokesperson.

This regulation has drawn criticism from some in the business community, who say that it means cloth masks that allow light to shine through will no longer be compliant with state rules.

“Employers really need to review the new regulations closely, because there are significant changes to who has to be tested, and when. Particularly, employers are going to see more testing even for vaccinated individuals,” said Robert Moutrie with the California Chamber of Commerce.

These regulations follow new guidance from the California Department of Public Health recommending that people wear surgical masks or [N95](#) and [KN95](#) respirators instead of cloth masks. Cal-OSHA recommends that employers and employees consider the Department of Public Health’s guidance about the effectiveness of face coverings.

California has extended its indoor mask order, which began in mid-December, through Feb. 15.