



The New Cal/OSHA COVID-19 Rule is Now in Effect: A 3-Step Action Plan for California Employers

Insights

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After several long weeks as the Office of Administrative Law (OAL) undertook a review of the proposal, the new Cal/OSHA COVID-19 regulation has been approved and is now officially in effect. The new regulation was approved and became effective on February 3 and will be in effect for two years, until February 3, 2025, with some recordkeeping obligations remaining in effect through 2026. This also brings to a final end the previous Emergency Temporary Standard (ETS), which California employers had been following for the better part of the last three years. Now that the waiting game is over and the new regulation is in effect, what do you need to do next? Here's a three-step action plan for compliance.

Step One: Familiarize Yourself with the Regulation

The first step is understanding what the regulation requires, and how it differs from what you were doing under the ETS. For the best overview of the ins and outs of the new regulation, be sure to check out our [recent Insight](#) that explains the 10 most important things you need to know about the new regulation.

If you want to dive deeper, you can review the [regulation](#) itself to familiarize yourself with the contents. Cal/OSHA has also provided a handy [courtesy copy](#) that shows you the differences between the ETS and the new regulation.

Finally, the agency has provided some [limited guidance](#) regarding the new regulation, including a brief [fact sheet](#) that summarizes the changes made by the new regulation. While Cal/OSHA has not yet provided updated FAQs or other materials, their website indicates that these items are “coming soon,” so be sure to check back often.

Step Two: Determine What Changes You Need to Make

After you review the new regulation and its requirements, it will become clear to you that you will need to make some immediate changes to the procedures you were following under the ETS. These include developing new written COVID-19 procedures as part of your Injury Illness Prevention Program (IIPP), preparing new notices that satisfy your obligations under the new regulation and some recent changes to some statutory notice requirements, and making sure your team is trained and aware of what's new and different under the new regulation.

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Step Three: Implement Those Changes Now

The new regulation is now in effect. Therefore, you should act immediately to follow the above steps and implement the needed changes to your workplace.

Feeling overwhelmed? Don't worry! Fisher Phillips is here to assist you as always in navigating these waters.

We have prepared a completely new compliance packet for this new regulation, which includes everything you need to implement and comply with the new standard – including sample written IIPP procedures, template notices and other documentation, and training materials.

If you are a current firm client, please contact your Fisher Phillips attorney to purchase the compliance packet. If you are not a firm client, you can email your purchase request to CalOSHAPackets@fisherphillips.com

Conclusion

Make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information. We are continuing to monitor the rapidly developing COVID-19 situation and will provide updates as appropriate. If you have further questions on how to comply, contact your Fisher Phillips attorney, the author of this Insight, or any attorney in any one of [our six California offices](#).

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