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Cal/OSHA Reminds Employers to Protect Workers from Unhealthy Air due to Wildfire Smoke

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Cal/OSHA Reminds Employers to Protect Workers from Unhealthy Air due to Wildfire Smoke

Cal/OSHA is reminding employers that California's [protection from wildfire smoke standard](#) requires them to take steps to protect their workers from unhealthy air due to wildfire smoke. [Harmful air quality from wildfire smoke is impacting Amador County](#) and can occur anywhere in the state on short notice. To help employers be prepared before a wildfire event occurs, Cal/OSHA has created [training videos](#) on wildfire smoke protection and the use of N95 respirators.

When wildfire smoke might affect a worksite, employers must monitor the air quality index for PM2.5 before and throughout the work shift. It is easy to track the air quality index using websites like the [U.S. EPA's AirNow](#) or [local air quality management district websites](#). Employers can also use their own instruments to measure PM2.5 at a worksite under [Cal/OSHA's requirements](#).

If the air is unhealthy due to wildfire smoke, employers must provide proper respiratory protection like N95 respirators for voluntary use if work cannot be moved to a location where the air is not harmful. If employers cannot move operations to areas where air is adequately filtered and they do not have access to respiratory protection, they may need to halt operations until the outdoor air quality improves. This includes outdoor worksites and indoor locations where the air is not filtered or doors are kept open such as warehouses, packing, manufacturing, distribution facilities and more.

Smoke from wildfires contains chemicals, gases and fine particles that can harm health. The greatest hazard comes from breathing fine particles in the air (called PM2.5), which can reduce lung function, worsen asthma or other existing heart and lung conditions, and cause coughing, wheezing and difficulty breathing.

If the AQI for PM2.5 is 151 or greater, employers must take these steps to protect employees:

- Communication – Inform employees of the AQI for PM2.5 and the protective measures available to them.
- Training and Instruction – Provide effective training and instruction to all employees on the information in [section 5141.1 Appendix B](#).
- Modifications – Implement modifications to the workplace, if feasible, to reduce exposure. Examples include providing enclosed structures or vehicles for employees to work in, where the air is filtered.
- Changes – Implement practicable changes to work procedures or schedules.

Examples include changing the location where employees work or reducing the time they work outdoors or exposed to unfiltered outdoor air.

- Respiratory protection – Provide proper respiratory protection equipment, such as disposable respirators, for voluntary use.
 - To filter out fine particles, respirators must be labeled N-95, N-99, N-100, R-95, P-95, P-99, or P-100, and **must be labeled as approved by the US National Institute for Occupational Safety and Health (NIOSH).**

If the AQI for PM2.5 exceeds 500 due to wildfire smoke, respirator use is required. Employers must ensure employees use respirators and implement a respiratory protection program as required in California’s [respiratory standard](#). For information or help on developing a respiratory protection program, see Cal/OSHA’s [Respiratory Protection Fact Sheet](#).

Guidance for employers and workers on wildfire smoke [is available on Cal/OSHA’s web page](#) along with [frequently asked questions about N95 masks](#). Cal/OSHA’s [Training Academy](#) offers free resources in English and Spanish.

Cal/OSHA helps protect workers from health and safety hazards on the job in almost every workplace in California. Employers who have questions or want assistance with workplace health and safety programs can call [Cal/OSHA’s Consultation Services Branch](#) at 800-963-9424. Workers who have questions about protection from wildfire smoke can call 833-579-0927 to speak with a Cal/OSHA representative during normal business hours. Complaints about workplace safety and health hazards can be filed confidentially with [Cal/OSHA district offices](#).

Employers with Questions on Requirements May Contact: InfoCons@dir.ca.gov, or call your [local Cal/OSHA Consultation Office](#)

COVID Updates

Cal/OSHA Standards Board’s Draft COVID-19 Prevention Regulation Scheduled to Take Effect January 1, 2023

Ogletree

On May 6, 2022, the State of California Office of Administrative Law (OAL) [adopted the third revision](#) of the California Division of Occupational Safety and Health’s (Cal/OSHA)

COVID-19 emergency temporary standards (ETS), which is effective through December 31, 2022. On June 16, 2022, the Cal/OSHA Standards Board released its COVID-19 draft regulation, which is scheduled to take effect on January 1, 2023. The pending regulation generally would apply upon approval by OAL for two years after the effective date. The recordkeeping rules would apply for three years after the effective date.

Proposed Definitions

The proposed definitions are as follows:

“‘Exposed group’ means all employees at a work location, working area, or a common area at work, within employer-provided transportation..., or residing within [employer-provided] housing..., where an employee COVID-19 case was present at any time during the infectious period.”

For individuals who test positive for COVID-19 and develop COVID-19–related symptoms, “[i]nfectious period” would be defined to include “from two days before the date of symptom onset” until:

- “ten days have passed after symptoms first appeared, or through day five if testing negative on day five or later”; and
- “twenty-four hours have passed with no fever, without the use of fever-reducing medication, and symptoms have improved.”

For those diagnosed with COVID-19 but who do not develop COVID-19 symptoms, the infectious period is “from two days before the positive specimen collection date through 10 days (or through day five if testing negative on day five or later) after the date on which the specimen for their first positive test for COVID-19 was collected.”

Employers would be required to provide notice of COVID-19 cases to employees only in worksites where an individual with COVID-19 was present. Employers would also be required to report COVID-19 cases to the local health department (if required by law), and maintain records of such cases.

Key Proposed Regulatory Changes

Significant proposed changes follow below:

Workplace hazard

The draft final regulation would define COVID-19 as a workplace hazard. Under Cal/OSHA’s regulations, employers are required to “establish, implement, and maintain an

effective Injury and Illness Prevention Program,” which, under the draft final rules, would include having effective methods and/or procedures for responding to a COVID-19 case at the workplace. This requirement would not pertain to COVID-19 outbreaks, which would be subject to separate testing and reporting requirements. (See below.)

Return-to-work exceptions

Cal/OSHA “may, upon request, allow employees to return to work on the basis that the removal of an employee would create undue risk to a community’s health and safety. In such cases, the employer shall develop, implement, and maintain effective control measures to prevent transmission in the workplace including providing isolation for the employee at the workplace and, if isolation is not feasible, the use of respirators in the workplace.”

Testing

Testing would be required for all employees who had close contacts in the workplace.

Notification

Employers would be required to provide notice to inform employees, independent contractors, and other employers with employees who had a close contact with a COVID-19 case in the workplace.

Face coverings

Employers would be required to provide employees with face coverings when required by a California Department of Public Health (CDPH) regulation or order. When face coverings are required to be worn indoors by regulation or order, “indoors” would include inside employer-owned vehicles.

Respirators

“Whenever an employer makes respirators for voluntary use available, the employer shall encourage their use and shall ensure that employees ... are trained how to properly wear the respirator provided; how to perform a user seal check ...; and the fact that facial hair interferes with a seal.”

Ventilation

“For indoor workplaces, employers shall review CDPH and [Cal/OSHA] guidance regarding ventilation, including ‘Interim Guidance for Ventilation, Filtration, and Air Quality in Indoor

Environments.”

Recordkeeping

Recordkeeping would include the date of the positive COVID-19 test and/or COVID-19 diagnosis. Employers would be required to keep records of persons who had close contact. Employers would be required to retain records “for two years beyond the period in which the record is necessary to meet the requirements” of the draft regulation. Employers would also be required to retain copies of required notices.

Cal/OSHA special action orders

Cal/OSHA “may require an employer to take additional actions to protect employees against COVID-19 hazards through the issuance of an Order to Take Special Action.”

COVID-19 outbreaks

The outbreak and major outbreak sections of the draft rules would apply if there were at least three COVID-19 cases (or at least twenty for major outbreaks) within an exposed group, unless a CDPH “regulation or order defines outbreak using a different number of COVID-19 cases and/or a different time period.”

Key Takeaways

The draft regulation defines COVID-19 as a workplace hazard for which an employer would be required to develop an effective illness prevention program that ensures methods and/or procedures for implementation.

Will Everyone Eventually Get the Coronavirus?

LA Times

With tens of thousands of new coronavirus cases being reported in California each week, it might seem inevitable that everyone will get infected at some point. But that’s not necessarily the case, officials and experts say. Even with the near-constant drumbeat of transmission this spring and summer, millions of Californians have still been able to avoid catching the virus.

For some, that might be a matter of circumstance — their work or living situations allow them to rarely venture into crowded settings. Others may still be avoiding nonessential

activities to lessen their exposure risk. Many might chalk it up to luck.

“The storyline is, ‘Everybody’s gotten it.’ But the reality is a lot of people haven’t,” said Dr. Peter Chin-Hong, a UC San Francisco infectious-disease expert.

While there’s no silver bullet, residents can still take reasonable precautions to lessen their chance of getting infected. “Everyone needs to be vigilant to avoid exposure and prevent severe disease,” especially during periods of high community transmission, said Dr. Robert Kim-Farley, an epidemiologist and infectious-disease expert with UCLA’s Fielding School of Public Health.

Vaccines

Getting vaccinated and boosted remains one of the best ways to stave off infection — and especially to avoid the most serious health impacts of COVID-19, officials and experts say the vaccines “are, in fact, doing exactly what we need them to do: They’re preventing severe illness and death,” Los Angeles County Public Health Director Barbara Ferrer said.

“I want folks to feel confident that their actions are making a difference,” she said Tuesday during a presentation to the county Board of Supervisors. “They protect our entire community from the worst impacts of the pandemic.”

According to the [latest state data](#), unvaccinated Californians were five times more likely to get COVID-19 than their vaccinated and boosted counterparts. They also were eight times more likely to be hospitalized with COVID-19, as well as to die from the disease. “Some of the new things that are keeping transmissions at bay potentially are the fact that kids now under 5 are getting vaccinated, kids 5 and over [can get a booster](#), there’s more Paxlovid going around. All of that might keep community viral load lower than it would have been,” Chin-Hong said.

But although most Californians have already completed their [primary vaccine series](#), demand for boosters has been lower. Vaccination rates for children ages 5 to 11 have also lagged well behind other age groups, and the youngest children only just became eligible for the shots. The fact that vaccine protection wanes over time underscores the importance of staying up to date on the shots, experts say.

[According to research](#) published this month in the New England Journal of Medicine, two

shots of COVID-19 vaccine without an additional booster offer essentially no lasting protection against infection with Omicron. That highly transmissible strain, as well as its family of subvariants, is responsible for essentially all new coronavirus infections at this point. At the same time, [any immunity](#) appears to offer significant and lasting protection against serious illness, hospitalization and death, researchers found. And if you haven't had either the virus or the vaccine, doctors urged, it's better to get the jab.

“The fact that I and a fair number of people who continue to be careful and are fully vaccinated and boosted remain COVID-free tells me that it's possible we will continue to be that way, so I don't buy the inevitability argument,” said Dr. Robert Wachter, chair of UC San Francisco's Department of Medicine. “On the other hand, there are plenty of people who I know who have been just as careful as I have and have gotten it in the past few months, so I think there's some randomness to this.” <https://www.latimes.com/california/story/2022-06-29/catching-covid-isnt-inevitable-here-is-what-you-can-do>

How Hiring the Wrong Medical “Expert” Derailed US Pandemic Response

ARS Technica

An advocate for herd immunity inside the White House pushed to increase infections

Scott Atlas' hiring by the White House was expected to be so controversial that he was initially instructed to hide his staff ID from the actual government public health experts. Yet he quickly became a driving force for the adoption of policies that would achieve herd immunity by allowing most of the US population to be infected—even as other officials denied that this was the policy.” <https://arstechnica.com/science/2022/06/new-report-on-how-scott-atlas-made-herd-immunity-an-unofficial-us-policy/>

Capitol Update

With the legislature recessed until August 1st, it is very quiet downtown (thankfully!). As you may recall, I reported that last Friday was the deadline for all bills to be passed out of the other house's policy committees or they died.

The next deadline will be August 12th which is the last day for the respective Appropriations Committees to pass bills. Both committees have myriad bills to hear upon their return:

- Currently, there are 466 measures set for the August 1 hearing of the Senate Appropriations Committee.
- And there are 376 measures set for the August 3 hearing of the Assembly Appropriations Committee.

So, just over 840 measures are set between the two fiscal committees for the first week back.

The following week on Thursday, August 11th, both committees will hear their suspense files which I will discuss in more detail as we get closer.

More on the Budget that was just signed by the governor:

THE BUZZ: If a budget is a statement of values, California Democrats just cemented the largest outlay for progressive ideals in the state's history.

- **Twenty-seven hours or so before the start** of the 2022-2023 fiscal year, lawmakers finished sending Gov. **Gavin Newsom** a \$300 billion fiscal blueprint that is unrivaled in dollar amount. It includes a surplus that eclipses other states' entire budgets — and is striking for its pursuit of liberal goals that distinguish California's course in a divided national political climate.
- **Some of the big issues:**
- **1. Health care:** The hundreds of millions of dollars allocated to expand abortion access was likely the most resonant. Sen. **Nancy Skinner** pointedly noted California was “fighting back against extremists in our courts and in other state legislatures” by seeking to offset the Supreme Court overturning *Roe v. Wade*. That effort extends beyond just funding — budget language also ensures that the first initiative voters will see on the November ballot is a constitutional amendment guaranteeing abortion rights.
- **California** also extended insurance coverage to every undocumented immigrant in the state regardless of age. California already offers in-state tuition benefits and driver's licenses to people without legal status. Another big-ticket health care item: the extra outlay for medical workers that represented a smaller version of the “hero pay” bonuses organized labor had advocated for in the Legislature.
- **2. Gas prices:** You could even see a particular liberal vision prevailing in the final \$9.5 billion inflation relief package. Legislative leaders held the line against a chorus of moderate Democrats who linked arms with Republicans — and Newsom — in demanding a halt in gas taxes. Leadership never wavered from the common progressive counterargument that a tax cut could simply line the pockets of oil companies (the livelier Democratic floor debate yesterday involved cannabis tax

relief). They also thwarted Newsom’s effort to tie relief payments to car ownership and secured an eligibility ceiling ensuring the affluent wouldn’t get checks.

- **3. Rich pay up:** Even the source of money had Democrats claiming vindication. A gusher of revenue from top earners created this enormous windfall — a testament, Skinner said, to the wisdom of “California voters who gave California a progressive tax system that ensures the wealthiest among us pay their fare share.” (Voters could soon add on, with a ballot initiative taxing the rich to fund electric vehicle infrastructure headed to the ballot and another paying for pandemic relief possibly joining).
- **There was little cause for celebration** among sidelined Republicans. They lambasted the lack of a gas tax suspension and lamented Democrats springing \$4.2 billion in bond funding for a high-speed rail project that epitomizes conservative complaints about government bloat. “We fall into this false mentality that we define success based on the amount of money that is spent,” rued top Assembly budget Republican **Vince Fong**.
- **ONE TO WATCH:** Democrats fretted about the extent to which the Newsom administration’s request to fund a reliable electricity supply would require burning fossil fuels. While they conceded it would necessitate some dirty energy, they chose to believe Newsom’s assurances the measure would not lock in long-term fossil fuel use. But they weren’t pleased by the hasty process — Assembly member **Al Muratsuchi** blasted a “rushed, unvetted, and fossil fuel-heavy response” that was “dumped on us late Sunday night” — and vowed to stay vigilant to hold Newsom to his word.

Bullet Train to Get More Oversight

**There is nothing but problems on the project. ... We need to be vigilant.”
“You can’t have enough oversight on a project like this.”**

Those comments — from Democratic Assembly Speaker Anthony Rendon of Lakewood and Assembly Transportation Committee Chairperson Laura Friedman of Burbank, respectively — underscore legislative leaders’ high expectations for the future inspector general of

California's beleaguered bullet train project, [Ralph Vartabedian reports for CalMatters](#). The new investigative position was included in a deal struck between Newsom and lawmakers as [part of the state budget](#), when lawmakers [after a long-simmering dispute](#) agreed to hand over \$4.2 billion in bond funds to build a 171-mile track segment from Bakersfield to Merced.

- **Friedman:** "They need to deliver something soon that the public understands is a train." Having the inspector general "will be a very big change for the project."

Induced Demand: Why Adding More Roads Does Not Fix Traffic Congestion

Derya Ozdemir

Consider the last time you got stuck in traffic. Did you imagine how much faster you could go if you had a wider lane or a completely new highway mysteriously free of cars? It's understandable to believe that this would be beneficial. However, increasing road space does not reduce traffic congestion, according to emerging research.

This actually has a relatively simple reason. If additional highway space is built, more people who do not already commute by car will choose to do so. This wide area immediately fills up, and you are back to crawling through traffic at a mind-numbingly slow speed. This effect, known as "induced demand," has been repeatedly demonstrated to occur. In this video (below) by the YouTube channel *Adam Something*, you can learn why building larger roads actually makes the traffic congestion problem even worse in detail.

https://interestingengineering.com/video/heres-why-traffic-congestion-happens?utm_source=newsletter-video&utm_medium=mailing&utm_campaign=newsletter-06-07-2022

