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California's Occupational Standards Board Withdraws New COVID-19 Regulations in Anticipation of Aligning with CDC and California State Guidance

By [Ira Klein](#)

Last night, on June 9, 2021, the California Occupational Safety and Health Standards Board ("Standards Board") voted to withdraw the revisions to the emergency temporary standards ("ETS") for COVID-19 prevention that it had approved less than a week before, on June 3, 2021, over much controversy and outcry from employers. The vote was held during a special meeting that was called to specifically consider the most recent guidance from the Centers for Disease Control ("CDC") and the California Department of Public Health ("CDPH").

Withdrawing the controversial revisions to the ETS—which would have resulted in workplace rules and requirements that are more restrictive and stringent than [recent CDC guidance for fully vaccinated individuals](#) or [CDPH's June 9, 2021 updates to its face covering guidance](#)—will permit the Standards Board to consider a new proposal that is expected to be consistent with the CDPH guidance that will take effect next week, on June 15, 2021.

CDPH's updated face covering guidance specifies that face coverings are *not* required for fully vaccinated¹ people, except in certain settings where masks are required for everyone, such as on public transit, indoors in K-12 schools, childcare and other youth settings, healthcare settings, correctional facilities and detention centers, homeless shelters, emergency shelters, and cooling centers. Face coverings continue to be required for unvaccinated in indoor public settings and businesses.

The new proposal is expected to be presented at the Standards Board's upcoming June 17, 2021 meeting and, if approved, could go into effect by the end of June. In the meantime, the existing ETS continues to apply. A summary of the standards as they went into effect on November 30, 2020, and as they continue to operate until further action is taken by the Standards Board, may be found [here](#).

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¹ An individual is “fully vaccinated” once 14 days have passed since the second shot in a two-shot vaccine series (e.g., Moderna, Pfizer) or since the only shot in a one-shot vaccine (e.g., Johnson & Johnson).

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