

JANUARY 19, 2023 | LEGISLATIVE & STANDARDS BOARD UPDATES

Join Conn Maciel Carey's 2023 Cal/OSHA Rulemaking Coalition

BY ERIC J. CONN

For the past two years, Conn Maciel Carey has represented a broad coalition comprised of California and national employers and trade associations from a diverse range of industries in advocating to the Cal/OSHA Standards Board about the roller coaster of COVID-19 emergency and non-emergency rulemaking, in the form of preparing numerous rounds of [written comments](#), testifying in public meetings, and participating by invitation as one of only a small number of management-side representatives on a rulemaking Advisory Committee established by Cal/OSHA for the COVID-19 regulatory process. We have been intrinsically involved in the four iterations of Cal/OSHA's COVID-19 Emergency Temporary Standard (ETS), and the COVID-19 Non-Emergency Rule that was recently adopted for a two-year term. 

Those of you whose organizations participated in our California Employers COVID-19 Prevention Coalition know that together we accomplished a great deal, with material improvement for employers to the COVID-19 regulatory landscape in California. Our coalition's input is reflected in the regulatory text of the Cal/OSHA COVID-19 ETS and now the COVID-19 Non-Emergency Rule, as well as in several batches of FAQs issued by Cal/OSHA attempting to address some of the concerns and recommendations we identified.

With the completion of the non-emergency rule now, we expect the Cal/OSHA Standards Board to transition in 2023 from the COVID-19 related rulemaking to its regulatory priorities that were forced to the backburner because of the pandemic, including work on:

- Permanent Infectious Disease Standard for General Industry, likely to include exclusion pay
- Heat Illness Prevention Standard for *Indoor* Workplaces
- Workplace Violence Standard for General Industry
- Lead in Construction and General Industry
- Aerosol Transmissible Diseases Standard for the healthcare industry
- First Aid Kits in Construction and General Industry

Because of the numerous regulatory targets at which the Cal/OSHA Standards Board will be taking aim this year, Conn Maciel Carey is organizing a new, flat fee-based, company-anonymous coalition for employers and trade groups to advocate for the most reasonable possible outcomes for Cal/OSHA rulemaking this year.

We intend to follow a similar approach to help ensure employers have a stronger voice in Cal/OSHA rulemaking,

and however the rules turn out, help our coalition members understand and come into compliance with any new regulatory mandates. We will coordinate with our coalition members to:

- Keep everyone informed about developments with each rulemaking identified by the coalition as a priority
- Solicit member input about what is feasible, what is not, what may prove most problematic for operations, and what we need to fight hardest to keep out of rulemaking
- Advocate for your interests through written comments, testimony at stakeholder meetings, and any other formal or informal opportunities to engage with decisionmakers at the agency
- Educate coalition members about the rulemaking through regular email updates, meetings, and webinars

If you are interested in participating, please contact our Chair of our National OSHA Practice, [Eric J. Conn](#). Let us know soon, as we have plans to get started identifying specific concerns about each of the proposed rules and we want to ensure as much time as possible to gather everyone's input starting early in 2023.

Let us know if you have any questions or if you would like to have a call to talk through our plans and strategy for this rulemaking coalition, and the various value-add benefits of participating with our group.

[Eric J. Conn](#)

Chair

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