



March 20, 2020

Gavin Newsom, Governor
1303 10th Street, Suite 1173
Sacramento, CA 95814

Douglas Parker, DOSH Chief
1515 Clay Street, Suite 1901
Oakland, CA 94612

Sonia Angell, CDPH Director & State Public Health Officer
1616 Capitol Ave.
Sacramento, CA 95814

Re: COVID-19 Response and protection of health care and other workers serving vulnerable populations

Dear Governor Newsom, Chief Parker, and Director Angell:

We are writing with the utmost urgency about steps that must be taken to ensure front line health care workers serving vulnerable populations are fully protected pursuant to California's Aerosol Transmissible Diseases (ATD) standard.¹

Worksafe is California's leading advocacy organization dedicated to promoting the right of all employees in our state to a safe and healthy workplace. The current international coronavirus pandemic is an object lesson in the vital importance of workplace health and safety for all.

Urgent times call for urgent measures. And California stands alone in the United States in having prepared for this moment through the careful creation of the ATD Standard in 2009 to defend our health care workers from transmissible diseases. Governor Newsom's Executive Order N-33-20 declares: "The healthcare delivery system shall prioritize services to serving those who are sickest and shall prioritize resources, including personal protective equipment, for the providers providing direct care to them." We hear from nurses' unions and other medical professionals that many hospitals have not implemented the ATD Standard well, and they are now wholly unprepared to shift gears to address the developing 'surge' conditions from this health crisis.

Our healthcare and other facilities that serve vulnerable populations will face critical challenges in the coming weeks, as is noted in the Governor's Executive Order N-27-20. That order affirms that critical health and safety standards must be our highest priority. **To protect everyone in these facilities, we**

¹ Cal/OSHA Aerosol Transmissible Diseases Standard <https://www.dir.ca.gov/title8/5199.html>

must protect the staff who work in them, delivering essential care and service necessary for the life and health of California residents. When a staff member becomes ill, they are no longer working, and they may have unintentionally spread the virus to others in the days before they had any symptoms.

California must not succumb to fear and relax protections for the health care workers who are critical to protecting the public and helping COVID-19 patients survive their illness. If we fail to protect our health care workers now, we will face a more severe shortage in the near future as staff succumb to illness and can no longer safely work without exposing patients, co-workers, and visitors to infection. The state cannot sanction or condone the lack of preparedness demonstrated by employers who have been flouting the standard during 'normal' times, by taking them off the hook now that the stakes are even higher.

Cal/OSHA's ATD standard is a long-considered rule, supported by science and established by the legislature, which establishes a framework for protecting health care workers and patients. It specifies the layers of protection needed to protect staff and stipulates the need to plan for 'surge' situations. The ATD standard's emphasis on use of engineering and administrative controls to minimize exposures is critical.

We understand the need to conserve personal protective equipment (PPE) and protect staff and visitors, and we know that it is critical that healthcare staff not be exposed to COVID-19 and risk becoming patients themselves. Cal/OSHA has provided recommendations on how to do this.² **We urge you to take immediate steps to ensure that employers in healthcare and other care settings serving vulnerable populations fully implement the main provisions of the ATD standard** while conserving respirators and protecting everyone's health. In addition, we urge you to more directly and publicly address the challenge of PPE availability for workers in healthcare and serving vulnerable populations.

Thank you for your attention to this urgent matter and for all your work to protect California's workers.

Sincerely,



Stephen Knight
Executive Director

² Cal/OSHA Interim Guidance on Coronavirus for Health Care Facilities: Efficient Use of Respirator Supplies
<https://www.dir.ca.gov/dosh/Use-of-Respirator-Supplies.html>