



January 14, 2021

Mr. Tom Hatch  
Chief Human Resources Officer  
County of Orange  
333 W. Santa Ana Blvd.  
Santa Ana, CA 92701

RE: *Cal/OSHA Emergency Temporary Standard Compliance – Outbreaks & Major Outbreaks*

Dear Mr. Hatch:

I am writing to urgently convey OCEA’s heightened concern for the safety of our members assigned to certain worksites throughout Orange County due to the recent dramatic increase in the number of confirmed COVID-19 outbreaks, as defined by the Cal/OSHA Emergency Temporary Standards (ETS). The apparent unabated spread of COVID-19 throughout County worksites has led our members to reasonably conclude the County is not complying with all of the mandates of the ETS. The dramatic increase in COVID-19 outbreaks and major outbreaks appears to support their conclusion.

**ETS Outbreaks**

As you know, the ETS define a COVID-19 “outbreak” as three or more cases in a 14-day period present in the same exposed workplace during the high-risk exposure period. Based on the chart below, which was compiled from the County’s responses to our Request for Information (RFI), the following twenty-three (23) County agency worksites appear to be experiencing an “outbreak”:

<b>Agency</b>	<b>Program/Division</b>	<b>Address (Outbreak Location)</b>	<b># of COVID-19 Cases since Dec. 29, 2020</b>
HCA	Nutrition Services	2137 E. Ball Road	County Confirmed Outbreak
HCA	Health Disaster Preparedness	2228 South Ritchey Street	County Confirmed Outbreak
HCA	Various	1200 N. Main Street	8
HCA	Environmental Health	1241 Dyer Road	3
HCA	Various	14140 Beach Blvd.	3
HCA	Various	200 W. Santa Ana Blvd.	3
HCA	Various	4000 W. Metropolitan	9
Probation	Various	909 N. Main Street	9
SSA	Medi-Cal	12912 Brookhurst	4

SSA	CalWorks	23330-23340 Moulton Pkwy	County Confirmed Outbreak
SSA	Family Services	744 Eckhoff	3
SSA	Medi-Cal	2000-2020 W Walnut	County Confirmed Outbreak
SSA	Cal Fresh; Medi-Cal	2125 E. Katella Avenue	8
SSA	Medi-Cal	6100 Chip Avenue	4
SSA	Various	500 N. State College	12
Assessor	Various	500 S. Main Street	4
DCSS	Various	1055 N. Main Street	6
OCCR	Animal Control	1630 Victory Road	4
Multiple	Various	601 North Ross Street	6
Sheriff	Various	11 Journey	County Confirmed Outbreak
Sheriff	Jail Commissary	1530 S. State College	4
Sheriff	Various	550 N. Flower Street	County Confirmed Outbreak

Having identified outbreaks at County worksites, the ETS require the County to take the following actions at each outbreak worksite:

- Provide immediate testing to all employees in the exposed workplace;
- Exclude positive cases and exposures from work;
- Repeat the testing one week later;
- Continue testing employees at least weekly until the workplace no longer qualifies as an outbreak;
- Investigate the workplace COVID-19 case to identify the source, cause, and potential exposures; and,
- Clean areas where a COVID-19 case has been during the “high risk period.”

### **ETS Major Outbreaks**

Additionally, the chart below, which was compiled from the County’s responses to our RFI and data from County-issued AB 685 notices, lists six (6) worksites that appear to be experiencing a “major outbreak.” The ETS define a “major outbreak” as 20 or more COVID-19 cases in an exposed workplace within a 30-day period.

<b>Agency</b>	<b>Program/Division</b>	<b>Address (Major Outbreak Location)</b>	<b># of COVID-19 Cases since Dec. 14, 2020</b>
SSA	Various	1505 E. Warner Avenue	13+
SSA	Various	800-840 Eckhoff	27
SSA	Various	3320 E. La Palma	32
SSA	Various	1928 S. Grand Avenue	32+

SSA	Various	401 The City Drive South	14+
MOB/Various	Various	301 The City Drive South	17+

Upon the identification of a major outbreak, the ETS obligate the County to take all of the following actions:

- Provide immediate testing to all employees in the exposed workplace at least twice weekly until there are no new cases detected for a 14-day period;
- Exclude positive cases and exposures from work;
- Clean areas where a COVID-19 case has been during the “high risk period.”
- Investigate the workplace COVID-19 case to identify the source, cause, and potential exposures;
- Implement ventilation changes to mechanical ventilation systems including increasing filtration efficiency to at least MERV-13, or the highest efficiency compatible with the ventilation system.
- Evaluate whether HEPA air filtration units are needed in poorly ventilated areas;
- Determine the need for a respiratory protection program or changes to an existing respiratory protection program under Government Code Section 5144 to address COVID-19 hazards; and,
- Consider halting all or part of operations to control the virus.

### **Continuing Request for Information**

When covered employers, such as the County, effectively implement the ETS, they **slow** the transmission of COVID-19, **reduce** exposure risks for frontline workers, and **protect** the community as a whole. In order to confirm the County’s compliance with the ETS mandates, OCEA is requesting information, on a continuing basis, that evidences the County’s response to the outbreaks and major outbreaks listed above.

Therefore, for each identified outbreak listed above and for each outbreak going forward, please provide the following:

- Documentation that confirms immediate testing was provided to all employees in the exposed worksite;
- Documentation that confirms positive cases and exposures were excluded from the worksite;
- Documentation that confirms testing was repeated at least weekly;
- Documentation that confirms employees testing is continuing, or has continued, at least weekly until the workplace no longer qualifies as an outbreak; and,

- Documentation that confirms the County has cleaned areas accessed by the COVID-19 case during the “high risk period.”

Likewise, for each major outbreak listed above and for each major outbreak going forward, please provide the following:

- Documentation that confirms immediate testing was provided to all employees in the exposed worksite;
- Documentation that confirms positive cases and exposures were excluded from the worksite;
- Documentation that confirms testing was repeated at least twice weekly;
- Documentation that confirms employee testing is continuing, or has continued, at least twice weekly until there are no new cases detected for a 14-day period;
- Documentation that confirms the County has cleaned areas accessed by the COVID-19 case during the “high risk period”;
- Documentation that confirms the County implemented or is considering implementing ventilation changes to mechanical ventilation systems including increasing filtration efficiency to at least MERV-13, or the highest efficiency compatible with the ventilation system, if applicable;
- Documentation that confirms the County evaluated or is evaluating whether HEPA air filtration units are needed in poorly ventilated areas;
- Documentation that confirms the County determined or is determining the need for a respiratory protection program or changes to an existing respiratory protection program under Government Code Section 5144 to address COVID-19 hazards; and,
- Documentation that confirms the County considered or is considering halting all or part of operations to control the virus.

Additionally, please provide the following:

1. A copy of the County’s Illness & Injury Prevention Plan, in compliance with Cal/OSHA’s ETS standard, that covers each worksite listed above; and,
2. A copy of the County’s Aerosol Transmissible Diseases Exposure Control Plan, as required under California’s Aerosol Transmissible Diseases (ATD) standard (CCR section 5199), that covers each worksite listed above.

Please provide the information requested above to Heather Sutherland ([hsutherland@oceca.org](mailto:hsutherland@oceca.org)) within one (1) business day of receipt of this letter and, thereafter, on an ongoing basis, as needed, for each outbreak and major outbreak at a County worksite.

Thank you in advance for supporting the safety of OCEA workers during this public health crisis.

Sincerely,

ORANGE COUNTY EMPLOYEES ASSOCIATION

/s/

Charles G. Barfield  
General Manager

cc: Collette Farnes, Director of Employee and Labor Relations