

# ALERT

## *The Workplace*

### COVID-19: New Exposure Notice Requirements Coming



In [Episode 92](#) of The Workplace podcast, CalChamber Executive Vice President and General Counsel Erika Frank and CalChamber

policy advocate Robert Moutrie discuss California's new COVID-19 workplace exposure reporting law, which goes into effect on January 1, 2021.

In September, Governor Gavin Newsom signed [AB 685 \(Reyes; D-San Bernardino\)](#), which among other requirements, mandates that employers give employees and public health agencies notice of COVID-19 exposures that happen at the workplace, starting January 1, 2021.

Moutrie cautions that the requirements set forth in the new law can be onerous and recommends that employers consult with their legal counsel as soon as they can to ensure that their company is in compliance with the new law come January 1.

#### Employee Notice

AB 685 requires three types of information be sent to employees—notice of exposure, information about leave policies, and information regarding “disinfection and safety plans.”

Additionally, the three notice types required will need to be provided to three different groups of employees. Employers will need to determine who will be required to get a notice, what type of notice those employees will get, and how the notice will be delivered to those employees within a business day, Moutrie explains.

The law requires that the following groups of employees receive notice of COVID-19 exposure in the workplace within one business day of when the employer received notice of potential exposure:

- 1) Employees who were at the worksite where a potentially sick employee or member of the public was;
- 2) Any employee who may have been exposed;

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### Streamlining of Work Share Program a Win-Win for Business and Workers



#### SUPPORT

was [AB 1731 \(Boerner Horvath; D-Encinitas\)](#), which the California Chamber of Commerce was glad to support and glad to see it signed by Governor Gavin Newsom with an urgency clause, meaning it went into effect immediately on September 28.

Generally speaking, AB 1731 streamlined the application process for California's underused Work Share Program. For those unfamiliar with the program: the work share program allows employers to save on payroll costs during economic downturns—but still avoid layoffs—by submitting a plan to the Employment Development Department (EDD) that must meet certain requirements.

#### Avoiding Layoffs

Broadly, these plans allow employers to, in exchange for avoiding layoffs,  
*See Streamlining: Page 4*

As the 2020 legislative season comes to a close, we can certainly say it has been a chaotic time for employers. One bright spot for employers

## Remember to Vote!



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## *Labor Law Corner*

# Sexual Harassment Prevention Training Applies to Minors



**Sunny Lee**  
HR Adviser

*We hired an employee who is 15 years old. Are we required to provide sexual harassment prevention training to him? What if he will be working only during the upcoming holiday season?*

In California, all employers who employ 5 or more employees are required to provide 1 hour of sexual harassment and abusive conduct prevention train-

ing to all nonmanagerial employees and 2 hours of training to all managerial employees by January 1, 2021.

In counting the number of employees to determine company size, the total number of employees in and outside of California is included; however, employers are required to train only those employees in California.

This training is designed to inform employees about what constitutes sexual harassment and abusive conduct, how and where to report it, company policy and the obligation to investigate, correct and take disciplinary action for violations. An employee who is a minor (under 18) must be included in that training.

There is no exemption in the law that would exclude any employee for any protected class basis (such as religion, sex, national origin or age). Neither is

there any exemption for employees who are part-time, temporary or seasonal.

## **Training Focuses on Conduct**

The focus of this training is not on sex education (as is taught in public schools), but rather on conduct that may occur in the workplace that would constitute sexual harassment and abusive conduct.

Training is required to protect employees from being subjected to such conduct. Certainly, a company would not want to exclude minors from such training, which may leave them more vulnerable because they would not know what to do about the harassment.

If anything, the state protects minors more by having child labor laws in place that protect them from work which is hazardous, regulates hours of work and

*See Sexual Harassment: Page 6*

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Ann S. Amioka  
Vice President, Communications  
September 30, 2020

# California Vote by Mail in Safe Hands; Remember to Exercise Your Right to Vote

**Martin R. Wilson**

Democracy's most sacred right, voting, is already underway in California with all 21 million registered voters having received a mail-in ballot.

While voting by mail may have stirred controversy on a national level, here in California, we have grown comfortable with making our decisions around the kitchen table, marking our choices on candidates at the local, state and federal levels, as well as dozens of ballot measures. In 2018, 65% of California ballots were cast early or by mail and more than 70% of us Golden Staters are registered as permanent absentee voters.

When our choices are made, we appreciate the safety and convenience of sending in our ballots by mail or dropping them off at a secure vote center, knowing they will be handled and counted by local election officials and their staffs.

## Confidence in Vote by Mail

My confidence in California's Vote by Mail (VBM) process was reinforced early this year when I was honored to be the business community's representative on the 2020 Election Working Group convened by Secretary of State Alex Padilla. The working group was convened by the Secretary of State out of the necessity caused by the COVID-19 pandemic and the need to move away from the traditional model of in-person polling locations.

My neighbor's garage or the apartment building recreation room where I've previously voted will not work in an era when vulnerable populations are reluctant

to leave their homes and social distancing has become, by health and safety imperatives, the new norm.

The working group consisted of individuals representing community-based organizations, academics and, most importantly, several registrars of voters from counties across California.

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## Commentary By Martin R. Wilson

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I came away from this process reassured that California's election is in safe hands because of the cooperation between the office of the Secretary of State and the professional county registrars who are the on the front line, tasked with ensuring California voters have a fair and safe election experience.

## Safeguards

You don't have to take my word for it. Consider these important facts:

Every ballot comes with a unique barcode that cannot be replicated or mistaken for someone else's vote.

When you finish filling out your ballot, you sign the postage paid return envelope so that county officials can compare the signature to the version they have on file.

And taking a cue from the private sector, Californians can track their ballots just like an Amazon package by signing up with <https://california.ballottrax.net/voter/>. You know when your ballot was received and when it was counted by the registrar.

Our historic and sacred process has met up with today's technology.

## Evolving Process

These changes to how Californians cast their ballot did not happen overnight. It has been an evolving process over the past few election cycles. Certainly, voting

by mail has steadily grown in popularity as people learned to trust the process and appreciate the convenience.

In 2016, the California Legislature passed the Voter's Choice Act, giving people the option to vote by mail or visiting a vote center to either cast or drop off their ballots. There are now 14 counties, including Orange, Los Angeles and Sacramento, representing more than 10 million voters who are Voter's Choice Act counties.

As residents of Sacramento County, my wife and I received our March Primary ballots in the mail and decided to visit a local vote center to cast them in person. We chose to vote this way because I am basically an elections nerd and wanted to see how the process worked. Happy to say, it worked just fine.

## November Election Choices

For the November General Election, more than half the state's voters will have the choice of how to cast their ballot, either in person at a vote center or by mail.

Apparently in Los Angeles County, Dodger Stadium will be a vote center location. You won't need a ticket for entry but, then again, you likely will not be able to buy a Dodger Dog either. To learn more about where to vote, people can visit <http://vote.ca.gov/>.

As for how to vote, the California Chamber of Commerce Board of Directors has several recommendations on statewide ballot measures and you can learn more about those by visiting [www.calchamber.com/ballot](http://www.calchamber.com/ballot).

Finally, why vote? As mentioned above, it is a sacred right that we as American citizens have been granted and had reaffirmed over the course of more than 200 years. Exercise that right and go vote.

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*Martin R. Wilson is executive vice president, public affairs, for the California Chamber of Commerce*

# Coalition Pressure Secures Withdrawal of Harmful Change to Prop. 65 Safe Harbor



Thanks to the efforts of the California Chamber of Commerce and a broad coalition of organizations, the Office of Environmental Health Hazard Assessment (OEHHA) **withdrew several**

**proposed changes** to regulations addressing consumer product exposure warnings.

Specifically, OEHHA withdrew amendments that would have required online retailers to provide consumers with two Proposition 65 exposure warning labels: one at the point of purchase and a second warning label on the actual product.

## OEHHA Withdraws Proposed Amendments

Earlier this year, OEHHA proposed amendments to Proposition 65 that would

have changed the safe harbor warning for sales of almost every consumer product, including food and beverages, over the internet or through mobile applications, so that if a Proposition 65 warning is required for the item, it has to be provided, not only at the time of the online purchase, but also on the label of the product.

The plain language of the current safe harbor regulations does not require businesses selling online to provide an online warning and then a *second* on-label warning for the same exposure. Instead, the current safe harbor regulations include online warnings as one of four safe harbor methods:

- a posted sign, shelf tag or shelf sign at the point of display;
- a warning provided “via any electronic device or process”;
- a long-form label warning; or
- a short-form label warning.

OEHHA’s proposed amendments therefore essentially eliminated online

warnings as a safe harbor warning method. Such an elimination would have been an extreme change to the safe harbor warning regulations with wide-ranging impacts to online retailing in California.

## Increased Costs and Litigation

Since the Proposition 65 warning regulations were adopted in 2016, thousands of companies have relied upon the plain language of the safe harbor regulations for creating and implementing their Proposition 65 warning programs.

In a letter to OEHHA, the coalition pointed out that the proposed changes would have forced businesses to invest significant time and resources into changing their Proposition 65 warning programs, *again*.

Adding a requirement for on-label warnings would have a severe impact on production, distribution and manufactur-

*See Coalition Secures: Page 9*

# Streamlining of Work Share Program a Win-Win for Business and Workers

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reduce hours and allow workers to retain health coverage (if applicable), and access to unemployment insurance (UI) benefits to supplement their decreased wages.

In other words—this allows employers the option of providing partial UI payments and various other benefits, while simultaneously reducing hours and cutting costs during an economic downturn.

Again, this is a totally optional program—but it allows many employers to find a middle path: both saving on payroll in tough times, and also retaining employees and allowing them to access critical benefits.

## Faster Approval Process

Although California’s Work Share Program dates back to the 1970s, it has long been underused. AB 1731 should help address that problem. AB 1731 accelerates the approval process (which previously could take months) through a range of measures, including providing for automatic one-year approval of all

applications from September 2020 until September 2023.

Also, in order to continue improving the work share program’s appeal to employers, AB 1731 allows the California Department of Industrial Relations (DIR) to collaborate with the Governor’s Office of Business and Economic Development (GO-Biz) and the California Infrastructure and Economic Development Bank to implement strategic outreach to employers. Hopefully, these collaborations will lead to more employer input on this program and more employers taking advantage of it during times of economic turbulence.

## Potential for Federal Help

Another benefit of work share programs during economic downturns is that the federal government tends to provide some aid for states’ unemployment payments. This effectively further reduces the cost for employers to utilize work share programs by making any UI payments provided to reduced-time

workers essentially free money.

We saw this federal aid a decade ago in the Great Recession, and we saw it previously during the COVID-19 pandemic. Although it remains unclear if additional benefits will be provided at the federal level—and we may not know until after the election—the fact remains that many of California’s employers have struggled to care for their workforce while also making necessary cuts to their payroll. And, for employers facing these tough choices, Work Share may be exactly the solution they’ve been looking for.

Here’s hoping for more common-sense legislation like AB 1731 that helps both employers and employees by streamlining helpful programs.

## More Information

For additional information on Work Share and to determine if it may be right for your business, look to EDD’s website: [www.edd.ca.gov/unemployment/Work\\_Sharing\\_Program.htm](http://www.edd.ca.gov/unemployment/Work_Sharing_Program.htm).

**Staff Contact: Robert Moutrie**



*A View from Belgium*

# Highly Diversified, Shared Connections Form Network for Growing Trade Relations



*The following answers to questions posed by the California Chamber of Commerce are from Ambassador Gunther*

*Sleeuwagen, consul general, Consulate General of Belgium in Los Angeles.*

## Belgium-California Relations

*Please describe your thoughts on the unique relationship between Belgium and California.*

Belgium and California share a long-standing relationship of highly diversified connections. We are the 24th investor in this beautiful state, totaling nearly 100 companies disbursing salaries of nearly \$400 million—quite good for a small country like ours, but it gets better from the Californian perspective.

Not many people realize this, but California is the most important exporter of all U.S. states to Belgium with more than \$6 billion of yearly exports. Chemicals, transport material (read Tesla) take the bulk of it, and not to forget Google just invested about \$600 million in Belgium. California imports \$1.2 billion from Belgium, and I can assure you it is not only Belgian beer, Belgian chocolates, waffles or diamonds.

But these are just numbers.

Belgium is also very present here through developments in new technologies—in and beyond the San Francisco Bay Area, like Silicon Beach in Los Angeles—especially in biotech, green technologies, the gaming industry and cybersecurity.

Our film industry is producing series for major historical studios and streaming platforms like Netflix or Amazon. We have developed unique tax incentives for filming in Belgium and many productions are now underway in Belgium.

We are also very proud of our academic and research cooperation. Many Californians in Belgium and many Belgian students in California enjoy a higher education—nearly all post-graduate—in our respective academic envi-

ronments. California hosts most eminent universities and Belgium hosts some of the oldest universities worldwide.

And just now, we witnessed the opening of the flagship store in Los Angeles of top fashion designer Dries Van Noten.

And then, very important for Belgians, our gastronomic contribution to very appreciative Californians is outstanding and growing here.



**Ambassador Gunther Sleeuwagen, consul general, Consulate General of Belgium in Los Angeles**

We are pleased with our relationship supported by the Consulate General—based in Los Angeles—our dynamic regions, Flanders, Wallonia and Brussels responsible for the promotion of our exports and attracting investments—based in Los Angeles, San Francisco and Palo Alto, and a dynamic honorary consul based in San Francisco. This is a fine network of enthusiastic and efficient persons and institutions who believe in making this relationship grow further.

## COVID-19 Impact on Belgium

*As countries all over the world feel the pandemic, what is the economic impact of COVID-19 on Belgium?*

Just like anywhere else, some sectors are hit harder than others, but especially there is uncertainty on the concrete consequences of this pandemic on our economy.

Belgium is one of the highest per

capita exporting countries in the world, so our economic development really depends very strongly on our export possibilities. We will have to see how this will develop in the near future.

Luckily, Belgium is a member of the European Union, which provides for many tools, ways and means to support each other against such catastrophes.

Also, the backbone of our economy is assured by thousands of small and medium enterprises who are very capable of showing resilience, ingenuity and creativity to cope with this situation. We are also involved in the research of an effective vaccine with our well-known pharmaceutical and biotech companies.

## Challenges/Opportunities

*As a high-income and yet relatively small nation, what are the challenges and opportunities facing your country?*

In the immediate future we have to find a way to beat this sometimes-underestimated Covid pandemic, and here my thoughts go to the families who have been bereaved of loved ones, but I also pay tribute to the impressive and relentless work being performed by all those first-line workers in the medical field but also beyond this visible domain. Thanks to all of them, we can hope of a better environment very soon and we all have to work together for this goal.

But challenges really are opportunities, and luckily there are so many others.

Can I already mention the Olympic Games of Los Angeles in 2028? It is still far away, but in these difficult times, let us be cheerful. In Belgium we are already looking forward to a splendid organization here.

With our Belgian Business Club, we are exploring the establishment of a chamber of commerce, specifically for California, and we are looking forward to working with you, the California Chamber of Commerce, and all your readers in developing this initiative to even further stimulate our business cooperation.

Belgium, within the European Union,  
*See Highly Diversified: Page 8*

## Visit California Offers Travel Code for Responsible/Respectful Travelers



As some Californians choose to venture cautiously outside amid

closures and restrictions due to COVID-19, travel patterns have shifted and highlight the need for visitors to show respect toward local communities.

Visit California offers the [Responsible Travel Code](#) as a quick resource on how to explore the Golden State responsibly and safely at [www.VisitCalifornia.com/respect](http://www.VisitCalifornia.com/respect).

A new video on Visit California's Travel Matters website describes the code with stunning California images.

The code speaks to both preserving California and to the safety of our communities as cities and counties continue toward recovery. It is part of Visit California's new [Responsible Travel Hub](#), which provides clear, fact-based information and resources on visiting California beaches, restaurants, hotels and parks, in addition to information about California

airports and renting a vehicle.

Content on the Responsible Travel Hub also offers tips and strategies for those ready to travel, emphasizing safety and respect for fellow travelers.

### Tourism Impact

Tourism is a huge economic driver across California, responsible in 2019

revive California's tourism industry and the state, which is estimated to have lost more than \$72.1 billion in visitor spending, 613,000 tourism jobs and more than \$6 billion in state and local tax revenue this year alone, according to Visit California

During these challenging times, Visit California continues to work on initiatives to inspire community support and begin safe and responsible travel when the time is right. Travel matters to California and will help propel economic recovery once businesses and destinations start reopening.

### Industry Comments

The efforts of California's tourism businesses were summed up in [an opinion piece](#) by Gene Zanger, partner in Casa de Fruta and a board member of Visit California, where he serves as vice chairman of marketing.

Read more on the [tourism industry's response to the COVID-19 crisis and the benefits of travel and tourism to California's economy](#) at <https://travelmattersca.com>.



Photos Courtesy Visit California

California images are featured in a new video explaining the responsible travel code developed by Visit California.

for \$144.9 billion in visitor spending, 1.2 million jobs and \$12.2 billion in state and local tax revenue.

Continued reinforcement of safe and responsible behavior principles will help

## Sexual Harassment Prevention Training Applies to Minors

From Page 2

requires that employers take responsibility for ensuring that minors are not exposed to hazards in the workplace and that they are protected.

### Notify Parent/Guardian

As with all matters concerning minors, the parent or guardian should be notified that this training is required by state law for all employees and asked if they want to schedule a time when they could be present for the training. That should satisfy any concerns that a parent may have about what their child is being told about sexual harassment and abusive conduct.

For new hires, employers generally

have 6 months to complete this training. However, since employers were provided with an additional year to train employees from the original compliance date of January 1, 2020, all employees must be trained by January 1, 2021. Training is required every 2 years thereafter.

After January 1, 2021, a new provision will be going into effect which requires that temporary employees be provided with this training within 30 days of commencing employment or 100 hours worked, whichever occurs first.

For any questions about this training requirement, contact the CalChamber Labor Law Helpline. For any concerns regarding minors and sexual harassment

prevention training, contact your attorney.

The California Chamber of Commerce offers individual, self-paced training in English or Spanish. Available are both a [2-hour online supervisor version](#) and a [1-hour online employee version](#). For more information, visit [store.calchamber.com](http://store.calchamber.com).

*Column based on questions asked by callers on the Labor Law Helpline, a service to California Chamber of Commerce preferred and executive members. For expert explanations of labor laws and Cal/OSHA regulations, not legal counsel for specific situations, call (800) 348-2262 or submit your question at [www.hrcalifornia.com](http://www.hrcalifornia.com).*

# CalChamber Companies Lead in Innovating to Reduce Global Carbon Emissions



Reading the news these days, it is easy to get lost in the rhetoric of climate change. But in California, we've long

moved past that dispute and into the realm of how to achieve our climate goals while balancing the stark economic reality that we California residents use a lot of power, buy a lot of products, and drive a lot of miles.

The increased costs of pushing technological advances through regulation rather than through private investment are not theoretical, and they often fall on the poorest of Californians living in less temperate areas of the state.

It is important to remember that California has been at the forefront of climate reduction policies for decades and is far, far ahead of its sister states. This is well known to California companies, who are leaders in climate innovation and have made sustainability a central mission.

## California Climate Goals

California's already-ambitious climate goals are well known on a global level. California is required to reduce carbon emissions 40% below 1990 levels by 2030 and 80% by 2050. California's utilities are required to reach 60% renewable energy (inexplicably excluding zero-emission nuclear and large hydro-electric power) by 2030 and 100% by 2045, with this latter goal being enacted just over a year ago.

Governor Edmund G. Brown Jr., and now Governor Gavin Newsom have made it the policy of the state to reach "carbon neutrality" by 2045, sell 1.5 million zero-emission passenger vehicles by 2025 and 5 million by 2030. Just this summer, the California Air Resources Board passed stringent regulations on emissions from vessels at California ports, and adopted a first-in-the-world zero-emission truck rule, requiring between 40%–75% (depending on truck class) to be zero-emission by 2035.

Governor Newsom also recently summarized the actions being taken by

the Air Resources Board in an executive order and directed them to explore options for zero-emission passenger vehicles by 2035.

But listening to the political rhetoric, one would think that California is dragging its feet on climate and sustainability. Nothing could be further from the truth.

Like the technological powerhouse that they always have been, California companies, and in particular California Chamber of Commerce member companies, continue to lead on reducing carbon emissions and meeting the 2018 Paris Agreement goals of limiting carbon emissions to 2% above pre-industrial levels.

California is a signatory to that goal, and its legislation builds upon and often exceeds that goal. So too do California's companies voluntarily invest in carbon emission reduction strategies, many with goals that seek to far exceed the Paris Agreement.

## Leaders in Cutting Emissions

CalChamber companies and their shareholders are not in need of additional governmental regulation to look to the future of carbon emission reductions. In fact, they are leading the charge.

Most recently, 16 CalChamber member companies **ranked among the top 25 corporate users of solar energy** in the country, according to the Solar Energy Industries Association.

Below are but a few examples of the private investment made by California and CalChamber member companies to meet and exceed the world's carbon emission reduction goals.

### Hospitality

In the hospitality arena, the **Walt Disney Company** is investing in solar facilities to power its parks and runs its Mark Twain Riverboat at Disneyland on biodiesel made from recycled cooking oil.

Southern California-based **Evans Hotels** has, for 12 years running, achieved the highest level in California's Green Lodging Program, utilizing low energy lights, collecting and composting 100% of its food waste, and investing in green laundry water programs.

### Transportation

CalChamber companies are also

changing the game on transportation, with auto manufacturers regularly announcing new lines of low- and zero-emission vehicles.

The Carbon Disclosure Project also recently designated **Ford** with "Climate A List" status for its carbon emission and sustainability achievements and goals.

**Kern Oil & Refining Co.** has increased production of renewable diesel made from reclaimed tallow to up to 10% of its output.

Both **Lyft** and **Uber** have committed to ambitious goals to put large numbers of zero-emission vehicles on the roads within the decade.

**FedEx** has also set ambitious goals to reduce aircraft emissions by 30% this year.

### Housing/Food

**Tejon Ranch**, building homes to meet California's housing shortage, voluntarily conserves more than 246,000 acres of land, sequestering 3.3 million tons of carbon per year—equivalent to the emissions of 2.5 million vehicles.

**Full Harvest** was founded on the principle of achieving no food waste—working with California farms to find markets for products that could otherwise go unused.

### Energy

California's utilities have also made great strides in reducing their carbon footprint, with **Southern California Gas Company** investing heavily in renewable natural gas, while **Pacific Gas and Electric** and **Southern California Edison** continue to innovate on reducing carbon emissions, investing in renewable resources, and educating customers on energy efficiency to reduce energy usage while trying to keep energy rates low for all Californians.

In the energy realm, large users of energy such as **Albertsons Companies**, conducted more than 1,400 energy efficiency programs across 475 stores, and committed to 100% use of recyclable, reusable, or compostable packaging for its "Our Brands" store brands.

**Amazon** has committed to becoming 100% renewable powered by 2025 and this year founded the **Climate Pledge** to

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## COVID-19: New Exposure Notice Requirements Coming January 1

*From Page 1*

3) All employees in charge of cleanup procedures.

Moutrie points out that some definitions, such as the second category, which states that “any employee who may have been exposed,” are overly broad and he is hopeful that clarification will be given in the coming months via “cleanup” legislation.

Notice must be given in writing, and not just given orally. The written notice may be given in the way that the employer normally communicates with its employees, Moutrie says.

For example, if an employer normally communicates with its employees via email, an email detailing the exposure may be sent out, accompanied with attachments to the company’s leave policies.

Moutrie stresses that the timeline to send out these notices is tight—just one business day. So, it is important that employers identify the affected population groups quickly, preferably with the aid of legal counsel.

### Notice to Public Agencies

Employers also will be required to provide local public health agencies notice of a workplace “outbreak,” which is currently defined as three workplace exposures within a two-week period, Moutrie tells listeners.

Another problematic aspect of AB 685 is that it relies on the definitions given by the U.S. Centers for Disease Control

and Prevention (CDC) and California Department of Public Health (CDPH), which may change at any time. For example, he says, the CDC may change what constitutes a positive test, and that will affect the requirements set forth in AB 685.

Employers and legal counsel will need to keep an eye out for definition changes to ensure compliance, Moutrie stresses.

Using the notice that employers give to the CDPH, California will be publishing COVID-19 outbreak data, but it is not yet clear how the state will do so, Moutrie says. The state may choose to reveal outbreaks by address, or it may aggregate the data and reveal outbreaks regionally.

### Unclear Language

AB 685 contains unclear language that Moutrie says will hopefully be cleared up in upcoming “cleanup” legislation. As mentioned previously, some definitions are vague and inconsistent.

For example, the present text requires employers to provide certain notice to all employees who “may have been exposed,” which is not defined. Also, while AB 685 requires that employers provide employees with the CDC’s “disinfection and safety plan,” the CDC does not have a “disinfection and safety” plan. The agency does, however, have a “cleaning and disinfecting” plan, related to cleaning areas that have been exposed.

This is one of the reasons employ-

ers should consult with legal counsel, Moutrie points out.

“Issues like that are going to make things really hard for a small businessperson on their own to just figure out what to do,” he says.

### Exemptions

AB 685 exempts medical facilities that are specifically treating individuals with COVID-19 from reporting exposures to public health agencies. So, for example, a chiropractic office would not qualify for the exemption, but a hospital would be exempted.

The exemption applies to the patients at the facility—if a staff member becomes infected, then the employer falls out of the exemption and will need to abide by the reporting requirements, Moutrie explains.

### Next Steps

In order to prepare for these new requirements, Moutrie recommends that employers reach out to legal counsel, and begin setting up a mechanism of notification to ensure that notices can be sent out within one business day.

Employers can begin setting up mailing lists and write up notice templates ahead of time. Now is also a good time to designate someone in the company to be in charge of sending out these notices, he says.

## Highly Diversified, Shared Connections Form Network for Growing Trade

*From Page 5*

has to continue this European program without the United Kingdom after Brexit, challenging for both parties. Luckily, Belgium can advertise itself with reason as the main entry point into the European Union, harboring its headquarters and some of the biggest ports of Europe. Our location in the heart of Europe offers access to about 100 million customers

within a three-hour car drive. Brussels is also the second diplomatic capital in the world, just after Washington D.C.

New technologies and services drive our economy and we continue to attract major worldwide investments, thanks to our multilingual highly educated labor force and top academic research.

But our major challenge—for all of us—is to work together. At least those

countries who share the same values.

The same values of democracy, freedom of speech, respect for diversity, for the environment and yes... for multilateralism. This is the only way to harness rule of law into a growing and ever-renewing international community, politically and economically.

**Staff Contact:** [Susanne T. Stirling](#)



## Coalition Secures Withdrawal of Harmful Change to Prop. 65 Safe Harbor

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ing costs. Unless a business was willing to provide an on-label warning to consumers outside of California, which the law does not require and which may cause confusion or alarm among those consumers, the business would have needed to create two lines of products with separate stock keeping unit (SKU) designations so that online retailers would know which were destined for California and which for other jurisdictions. This would have increased expenses and complexity in the supply chain and would have added to consumer costs.

The changes also would have created an unfair advantage for physical retailers, given that consumers at brick-and-mortar stores can receive a single product warning, either at the point of purchase, like a shelf sign, or on the product label.

"There is no reason to treat online purchasers any differently," the coalition stated.

Moreover, OEHHA's withdrawn amendments would have spurred frivolous litigation about whether warnings are "clear and reasonable" if they do not comport with the proposed amendments' two-warning approach for online

sales, but are otherwise compliant with Proposition 65. Companies are already experiencing an unprecedented surge in Proposition 65 enforcement actions from private enforcers.

By rescinding its proposed amendments to Proposition 65, OEHHA in effect agreed with the coalition that there was no justifiable policy reason to eliminate a safe harbor warning method relied upon by thousands of companies selling into California.

**Staff Contact: Adam Regele**

## CalChamber Members Lead in Innovation to Combat Climate Change

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encourage additional companies to help beat the Paris Agreement by a decade.

CalChamber member companies are no strangers to innovation. As shown by

their adaptations during this trying time, California companies are quickly adapting to each "new normal."

It is important to encourage, rather than limit by choosing winners and

losers, the innovation that California companies are known for. These are important lessons to keep in mind as we continue to meet our climate goals.

**Staff Contact: Leah Silverthorn**



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