



March 30, 2021

TO: Members, Assembly Labor and Employment Committee

**SUBJECT: AB 654 (REYES) COVID-19: EXPOSURE: NOTIFICATION
OPPOSE – AS INTRODUCED FEBRUARY 12, 2021
SCHEDULED FOR HEARING – APRIL 8, 2021**

The California Chamber of Commerce and the listed organizations **OPPOSE AB 654 (Reyes)** as introduced February 12, 2021, because it provides no health and safety benefit, but will shame both good and bad actors alike.

Substantively, **AB 654** makes only one change to last year's AB 685 (Reyes) – it requires that the California Department of Public Health publish on its website a list of every workplace¹ in the state where a COVID-19 outbreak has occurred.² For context, an “outbreak” is defined as three cases of COVID-19 in a

¹ Presently, CDPH is publishing information by industry pursuant to Labor Code Section 6409.6(g). See <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/COVID-19-Outbreak-Data.aspx>

² Under present law, local county public health departments (who receive notice of outbreaks) must report them to CDPH, but CDPH does not publish site-specific data.

workplace within a two week period.³ Simply put – publishing this list of where an outbreak has occurred will not separate good and bad actors in anyway, nor does it improve public safety.⁴

First – employers cannot prevent outbreaks, even if an employer is compliant (or exceeding) all applicable laws and regulations, including the COVID-19 Emergency Temporary Standard. For example – if three employees attend a large social gathering on a Saturday night – completely outside of the employers’ control - then return to the workplace Monday and all test positive later that week, then that would qualify as an outbreak. It *does not matter* that the employer was in full compliance with all relevant county and state guidance, or if there is no evidence of any spread in the workplace. In fact, even if a group of employees all admitted they were visiting a COVID-19 positive friend and not social distancing while doing so, the employer would still be listed. This subjects good faith employers to a scarlet letter which could be the death knell for struggling restaurants or retailers.

Second – there is no requirement here that the list be “up-to-date” or include only “active” outbreaks. Without such a guarantee, the list will become meaningless because it won’t help consumers. Knowing that three employees got sick at some point in the past doesn’t make the public safer – it could be two weeks ago or six months ago. Without the list being kept “up-to-date”, it has no benefit and will only serve to punish employers for conduct they cannot control.

Though we take COVID-19 seriously, we do not see how a shaming list which does not separate good and bad actors and is not up to date to present outbreak status, will provide any health benefits to California.

For these reasons, we **OPPOSE AB 654 (Reyes)**.

Sincerely,



Robert Moutrie
Policy Advocate
California Chamber of Commerce

Acclamation Insurance Management Services
Advanced Medical Technology Association
Agricultural Council of California
Allied Managed Care
American Council of Engineering Companies California
Brea Chamber of Commerce
California Apartment Association
California Association of Health Facilities
California Association of Joint Powers Authorities
California Building Industry Association
California Business Roundtable
California Farm Bureau
California Food Producers
California Fuels & Convenience Alliance
California Restaurant Association
California Retailers Association
California State Association of Counties
California Travel Association
Carlsbad Chamber of Commerce

³ See CDPH’s Sept 18th, 2020 Guidance re Responding to COVID-19 in the Workplace for Employers. (“ . . . three or more cases of COVID-19 in their workplace within a two-week period.”)
<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Workplace-Outbreak-Employer-Guidance.aspx>

⁴ Notably, CalChamber and the opposition coalition flagged this concern regarding 2020’s **AB 685** in multiple letters, but it appears the language there was vague and has not resulted in specific enough publication for the author.

Coalition of Small and Disabled Veteran Businesses
Family Business Association of California
Flasher Barricade Association
Housing Contractors of California
League of California Cities
National Federation of Independent Business
Oceanside Chamber of Commerce
Official Police Garages of Los Angeles
Oxnard Chamber of Commerce
Pleasanton Chamber of Commerce
Public Risk Innovation, Solutions and Management
San Gabriel Valley Economic Partnership
Santa Barbara South Coast Chamber of Commerce
Southwest California Legislative Council
Specialty Equipment Market Association
Torrance Area Chamber of Commerce
Western Growers Association

cc: Legislative Affairs, Office of the Governor
Consultant, Assembly Labor and Employment Committee
Melissa Cosio, Office of Assemblymember Reyes
Lauren Prichard, Assembly Republican Caucus

RM:ldl