



August 24, 2022

Dr. Barbara Ferrer, Director
Los Angeles County Dept of Public Health

Via email

Re: Aligning LA Outbreak Definition with CDPH

Dr. Barbara Ferrer:

On behalf of the Santa Clarita Valley Chamber of Commerce, which represents over 65,000 member-employees, I am writing to respectfully ask that the LA County Department of Public Health update the Health Officer Orders definition of an “outbreak” to align with that of the California Department of Public Health (CDPH).

The business community in the Santa Clarita Valley and beyond thrive when there is certainty and consistency in regulations and guidance. During the height of the pandemic, we urged policymakers across the county and state to ensure clear consistency in regulations and guidance in order to streamline reopening and help businesses move forward seamlessly while also protecting their staff/workplace. Discrepancies in different jurisdictions create confusion, causes roadblocks, and further distrust in the governing process. We are grateful that the County adapted and chose to align with the rest of the state in many areas and, most recently, by not imposing another mask mandate.

We are making another request to align the County’s definition of an “outbreak” with that of the CDPH. The County’s definition currently states that any three people who test positive within a fourteen-day period at a workplace is considered an “outbreak.” However, CDPH makes an important distinction in its definition of an “outbreak”:

- three suspected, probable, or confirmed COVID-19 cases* within a 14-day period among epidemiologically linked residents and/or staff,
- OR for large settings (residential congregate facilities with >100 persons present in the setting), particularly during high levels of community transmission, local health departments may determine that a higher proportion (at least 5%) of cases within a 14-day period may be appropriate for defining an outbreak, even in the absence of identifiable epidemiological linkages.

As you may be aware, Labor Code 6409.6 (b) requires that “if an employer or representative of the employer is notified of the number of cases that meet the definition of a COVID-19 outbreak, as defined by the State Department of Public Health, within 48 hours or one business day, whichever is later, the employer shall notify the local public health agency in the jurisdiction of the worksite...” (emphasis added). Accordingly, the outbreak reporting requirement to local public health must be consistent with CDPH’s above definition as defined by law.



SANTA CLARITA VALLEY Chamber of Commerce®

Our members and businesses consist of many different types of employers from a wide range of industries where a simple definition of “three employees” does not make sense. For large employers, those three employees who test positive could be in entirely different buildings, on the other side of campuses, on different floors, etc., over a two-week timeframe, making it impossible to tell if those three cases were connected in any way. What’s more, three people testing positive for COVID has a different meaning in a smaller setting (a restaurant) than our larger employers (a theme park) – and should not be treated the same.

In addition, the “three employee” definition without any epidemiological link reflects community transmission levels and not workplace transmission. Indeed, employers are not equipped to manage community transmissions, but are only equipped and required to manage transmission in their workplaces. Thus, the “three employee” definition without any epidemiological link sets an unfair and untenable standard for employers and holds them accountable for transmission outside of their control.

Without an epidemiological link, the “outbreak” definition puts an unreasonable and unjust burden on employers to manage the community spread occurring outside their workplaces.

Finally, the CDPH definition creates consistency throughout the state and helps employers to maintain clear and consistent policies for their employees working in facilities located throughout the state.

We believe the CDPH gets it right when requiring that an outbreak must be considered by those who are “epidemiologically linked” or, for larger employers with 100 or more employees, accounting for a higher percentage of cases.

We hope that you will consider adapting to this definition of “outbreak” to further streamline COVID-19 regulations and guidance and not impose unnecessary protocols and angst among businesses trying to recover from the pandemic.

Thank you for your consideration.

Sincerely,

Ivan Volschenk

President& CEO | Santa Clarita Valley Chamber of Commerce

Cc: County Supervisor Kathryn Barger, Fifth District