

PPE Stockpile Law Update

AB 2537, authored by Assemblymember Freddie Rodriguez and sponsored by California Nurses Association (CNA), was signed into law on September 29, 2020.

As of April 1, 2021, employers who employ workers in the public or private sector that provide direct patient care in the hospital setting are already required to maintain a stockpile of the equipment specified by Labor Code 6403.3(c) in an amount equal to **three months of normal consumption**.

When must affected employers comply with the stockpile requirement of Labor Code 6403.3(c) using the regulatory definition of “normal consumption”? The regulatory definition of “normal consumption” is not effective until July 26, 2021. Employers thus have until that date to bring their existing stockpiles of specified equipment into full compliance under the regulatory definition.

What is normal consumption? Under Cal/ OSHA regulations, normal consumption means the average amount of the equipment, for each category, type, and size, used by employees over the previous two-year period. The change in the required amount of equipment employers must stockpile from year to year is capped using a formula. The regulation sets forth how employers must calculate normal consumption, provides an example, and lists methods an employer may use for determining consumption.



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