

Date of Hearing: June 2, 2020

ASSEMBLY COMMITTEE ON APPROPRIATIONS  
Lorena Gonzalez, Chair  
AB 2210 (Aguiar-Curry) – As Amended March 16, 2020

Policy Committee: Business and Professions

Vote: 19 - 0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

**SUMMARY:**

This bill authorizes the Contractors State Licensing Board (CSLB) to discipline a tree service contractor for violating worker safety regulations. Specifically, this bill:

- 1) Authorizes CSLB to discipline a tree service contractor for violating worker safety regulations without regard to whether serious injury or death to an employee occurred.
- 2) Requires the Division of Occupational Safety and Health (DOSH) to send violations of specified regulations to CSLB and requires CSLB to initiate disciplinary action against the licensee.
- 3) Extends the time for CSLB to take disciplinary action against a contractor from 180 days to 18 months.

**FISCAL EFFECT:**

Minor and absorbable costs to CSLB.

**COMMENTS:**

- 1) **Purpose.** This bill seeks to increase worker safety in the tree service industry by ensuring that contractors follow safety regulations. According to the author:

[This bill] is a worker protection measure to ensure that contractors in the tree service industry comply with existing safety provisions. As wildfire prevention activities in California increase exponentially it is especially critical that contractors are held accountable for obeying safety standards to protect their workers. CSLB should not have to wait for tree-safety workers to experience death or serious injury in order to enforce existing labor laws. This bill will promote compliance with safety regulations in the tree care industry, and therefore increase safety for workers.

- 2) **Background.** According to the U.S. Bureau of Labor Statistics, grounds maintenance workers, including tree trimming and removal specialists, have a fatality rate that is more than three times that of the average laborer. Further, a DOSH investigation of tree-service accidents that occurred between 2014 and 2016 found that 74% resulted in worker hospitalization, and 16% resulted in death.

Existing law provides that disciplinary action against a contractor can arise only for safety violations that result in death or serious injury to an employee. Existing law also requires CSLB to initiate disciplinary action against a contractor within 180 days and only for willful and deliberate violations of the Labor Code.

This bill removes the requirement that disciplinary action for violations can be taken only when death or serious injury to an employee has occurred, allows CSLB to also initiate disciplinary action for violations received from DOSH and extends the time to bring action from 180 days to 18 months, consistent with existing law for CSLB to take other disciplinary actions against contractors.

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