

CONCURRENCE IN SENATE AMENDMENTS

CSA1 Bill Id:AB 365 Author:(Schiavo)

As Amended Ver:July 3, 2025

Majority vote

SUMMARY

Requires electric utilities, and their contractors and subcontractors to have an automated external defibrillator (AED) available for emergency use at each worksite where two or more utility workers are performing work on electrical transmission and distribution lines above 601 volts.

Senate Amendments

- 1) Clarifies that the AED requirements apply to worksites with two or more utility workers performing work on electrical transmission and distribution lines above 601 volts.
- 2) Lowers the liability threshold for utility or independent contractor or subcontractor of a utility from "complies" with AED requirements to "makes reasonable effort to comply" with AED requirements, as specified.
- 3) Adds electrical cooperative to the qualifying utilities.

COMMENTS

Electric infrastructure worksite safety. Electric power industry workers, or linemen, work in dangerous working conditions with high rates of injury. On average, 19.2 linemen per 100,000 are killed on the job every year nationwide. This is twice the fatality rate of police officers and firefighters. Of the 70,692 occupational fatalities from 2011-2023, 1,940 were a result of contact with electricity, making it one of the leading causes of occupational fatality. The main risk to healthy linemen as a result of electrocution is sudden death due to cardiac arrhythmias or irregular heart rhythms. These arrhythmias can be dangerous and lead to sudden cardiac arrest. Out-of-hospital cardiac arrest results in an 8-10% survival rate. As a result of these risks, there are many workplace safety requirements for electrical infrastructure facilities, many of which are under the OSHA under the U.S. Department of Labor at the federal level and at the state level at the DIR within the California Labor and Workforce Agency via the Division of Occupational Safety and Health (better known as Cal/OSHA). These worksite safety requirements are in addition to any requirements by the CPUC or other regulatory agencies of regulated public utilities, electric generating assets, and other entities.

OSHA regulations for electrical worksites. At both the federal and state level, there are occupational safety regulations that apply to electric power generation, transmission, and distribution worksites. These safety regulations include work related to electrical line-clearance, to address specific workplace hazards for these sites, and specific requirements related to the type of work during construction, operations, and maintenance of these sites. As such, occupational safety regulations apply to electric utilities, but also firms that own power generation, and contractors of these entities, including regulations concerning construction and line-clearance activities of these facilities.

Occupational safety regulations concerning medical services and first aid. In general, state occupational safety regulations must be as effective and protective as federal standards. These occupational safety requirements include regulations concerning protective equipment, signage, handling exposed electrical infrastructure, along with first aid and medical services, including in relation to training and availability of trained employees for CPR when work is being performed

on equipment that is energized at 50 volts or more. The number of trained employees that must be available varies depending on the number of employees at the work site, the type of work site or location, and the type of work being performed. Employers must also provide, maintain, and inspect first aid kits and supplies. These CPR and first aid requirements are largely (if not exactly) consistent with the federal OSHA regulations found in 29 Code of Federal Regulations Parts 1910 and 1926.

Automated External Defibrillator Devices. An AED is a medical device designed to analyze the heart rhythm and deliver an electric shock to restore a normal heart rhythm when a person is suffering from arrhythmia or sudden cardiac arrest. The survival rate of individuals suffering from out-of-hospital cardiac arrest significantly increases to 50-74% when an AED device is available and immediate defibrillation is performed. The integration of AED devices into standard electric utility safety protocols is now underway. Many electric utility companies already require AED units on all their service trucks and there are many examples of life-saving implementation of these devices in the field. Southern California Edison reports 1,831 AED devices deployed across its territory with 1,600 AEDs in vehicles and 230 AEDs in other facilities like substations and generation locations. The committee is unaware of the status of AED devices across other California utility service territories.

Washington State law. In 2023, the state of Washington adopted legislation, House Bill 1542 (Bronoske, *et al*, Chapter 253), which requires, by January 1, 2025, any employer with employees who operate, maintain, or construct high voltage lines and equipment or who conduct line clearance tree trimming in close proximity to high voltage lines and equipment to make an AED available and accessible to employees when work is being performed on, or in close proximity to, high voltage lines and equipment by two or more employees. Subsequently, the Washington State Department of Labor and Industries filed an expedited regulation in September 2024 (WSR 24-18-111) to incorporate the AED requirements of the legislation into the occupational safety regulations. Those regulations require AED at certain sites where there are two or more workers for high-voltage electrical lines of 601 volts or more. These were largely included within regulations concerning medical services and first aid for Washington State that are similar to those medical services and first aid requirements included in the federal and California occupational safety regulations for electrical work performed (as noted above) in proximity to electrical infrastructure.

Federal government declined to require AEDs. In 2014, the U.S. Department of Labor's OSHA updated various regulations in relation to the electric power generation, transmission, and distribution worksites. As part of the rule update, OSHA considered and sought comments on whether to require AEDs at these worksites. OSHA stated AEDs could be beneficial at worksites where line clearing was being performed. However, OSHA declined to require AEDs in the final rule due to insufficient evidence in the record that AEDs would perform when exposed to environmental extremes typical of electrical line field work, including concerns that the interior of trucks would be significantly hotter than the 50-degree Celsius recommended maximum for operating ranges of the AED. However, OSHA did encourage employers to purchase and deploy AEDs in areas where they could be useful and efficacious and further stated that the action would save lives and provide OSHA with "useful information on the use of AEDs under a wide range of conditions."

According to the Author

- 1) According to the author, "Working around high voltage electrical lines, Journeymen have one of the most dangerous jobs in California. AEDs are lifesaving devices required by law at large venues like stadiums, but they are not currently required at high voltage worksites. Tragically, had an AED been present on Justin Kropp's worksite, he would still be with us today. It is our duty to protect our frontline workers and Assembly bill 365 will do just that."

Arguments in Support

Supporters of the bill include the California State Association of Electrical Workers, the Coalition of California Utility Employees, and Teamsters California, as well as a multiple medical groups and associations. The Coalition of California Utility Employees and the California State Association of Electrical Workers state:

Electrical lineworkers and utility employees perform inherently dangerous tasks, often in remote or high-risk environments. Sudden cardiac arrest can be a tragic consequence of electrical exposure, strenuous activity, or unforeseen medical emergencies. The presence of an AED at these worksites can mean the difference between life and death. By ensuring that public utilities and their contractors comply with established safety standards and protocols for AED accessibility, this bill will provide essential protections for workers and the public alike.

Arguments in Opposition

None on file.

FISCAL COMMENTS

According the Assembly Committee on Appropriations, this bill will incur minimal cost to the state, if any.

VOTES:**ASM UTILITIES AND ENERGY: 18-0-0**

YES: Petrie-Norris, Patterson, Boerner, Calderon, Chen, Davies, Mark González, Harabedian, Hart, Irwin, Kalra, Papan, Rogers, Schiavo, Schultz, Ta, Wallis, Zbur

ASM JUDICIARY: 12-0-0

YES: Kalra, Dixon, Wicks, Bryan, Connolly, Harabedian, Pacheco, Papan, Sanchez, Stefani, Zbur, Tangipa

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Sanchez, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache, Ta, Tangipa

ASSEMBLY FLOOR: 76-0-3

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, Muratsuchi, Nguyen, Ortega, Pacheco, Patel, Patterson,

Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

ABS, ABST OR NV: Chen, McKinnor, Papan

UPDATED

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CONSULTANT: Kristen Koenig / U. & E. / (916) 319-2083

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