
SENATE COMMITTEE ON LABOR, PUBLIC EMPLOYMENT AND RETIREMENT
Senator Lola Smallwood-Cuevas, Chair
2025 - 2026 Regular

Bill No: SB 1046 **Hearing Date:** April 8, 2026
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Consultant: Emma Bruce

SUBJECT: Occupational safety: transboundary pollution

KEY ISSUE

This bill requires the Division of Occupational Safety and Health (Cal/OSHA), on or before January 1, 2030, to propose to the Occupational Safety and Health Standards Board (Standards Board) a standard that protects the health and safety of employees who risk high or prolonged exposure to transboundary pollution in outdoor occupational environments, as specified.

ANALYSIS

Existing law:

- 1) Requires, under the California Occupational Safety and Health Act, an employer to:
 - a. Furnish employment and a place of employment that is safe and healthful.
 - b. Furnish and use safety devices and safeguards, as well as adopt and use practices, means, methods, operations, and processes that are reasonably adequate to render employment and the place of employment safe and healthful.
 - c. Do everything reasonably necessary to protect the life, safety, and health of employees. (Labor Code §6300 et seq.)
- 2) Establishes the Division of Occupational Safety and Health (Cal/OSHA) within the Department of Industrial Relations (DIR) to, among other things, propose, administer, and enforce occupational safety and health standards. (Labor Code §6300 et seq.)
- 3) Establishes the Occupational Safety and Health Standards Board (Standards Board), within DIR, to promote, adopt, and maintain reasonable and enforceable standards that will ensure a safe and healthful workplace for workers. (Labor Code §140-147.6)
- 4) Requires Cal/OSHA to enforce all occupational safety and health standards adopted by the Standards Board, as specified. (Labor Code §142 and §144.5)
- 5) Stipulates that in promulgating standards dealing with toxic materials or harmful physical agents, the Standards Board shall adopt standards to prevent employees from suffering adverse health effects even if these employees have regular exposure to a regulated hazard (Labor Code §144.6).
- 6) Prohibits an employee from being laid off or discharged for refusing to perform work in violation of prescribed safety standards, where the violation would create a real and apparent hazard to the employee or his or her fellow employees. Any employee who is laid off or

discharged in violation of this right shall have a right of action for lost wages for the time the employee is without work as a result of the layoff or discharge. (Labor Code §6311)

This bill:

- 1) Requires Cal/OSHA, on or before January 1, 2030, to propose to the Standards Board for its review and adoption a standard that protects the health and safety of employees who risk high or prolonged exposure to transboundary pollution in outdoor occupational environments.
- 2) Provides that the standard shall apply to lifeguards, park rangers, and other employees that Cal/OSHA determines are at high risk.
- 3) Requires the standard to include all of the following:
 - a) Personal protective equipment, which may include, but not be limited to, respiratory protection and protective attire.
 - b) Medical surveillance, which may include, but not be limited to, medical examination rights, medical procedures, and reporting requirements.
 - c) Hazard communication, which may include, but not be limited to, notice of anticipated wet weather or other high-exposure events and any available data on pollution exposure conditions.
 - d) Reporting and recordkeeping practices. In developing these practices, the Standards Board shall consider, at minimum, both of the following:
 - i. Incident or exposure report forms for use by employees.
 - ii. Maintaining data on exposure threshold exceedances, health-related symptoms developed following job duties, sick leave related to exposure incidents, and weather events exacerbating transboundary pollution.
 - e) Training for employees and supervisors that includes, but is not limited to, all of the following:
 - i. Information on the regional environmental conditions.
 - ii. Potential health effects of exposure to transboundary pollution, including related symptoms.
 - iii. Use of personal protective equipment.
 - iv. Reporting practices.
- 4) Provides that in addition to the standards described in 3), the Standards Board may consider any other standard for adoption that will provide protection or safeguards for employees exposed to transboundary pollution in an outdoor working environment.
- 5) Requires the Standards Board to consider identifying an exposure threshold for hydrogen sulfide at which acute or chronic health effects occur to reference in the standards and may consider exposure thresholds for other relevant pollutants.
- 6) Authorizes the Standards Board to develop the standards described in 3) and 4) in consultation with lifeguards, park rangers, trade and labor unions, cities, counties, private and public sector employers, air districts, local environmental and public health agencies, universities and academic institutions, the Department of Parks and Recreation, the State Air Resources Board, the State Water Resources Control Board, regional water quality control boards, and the Office of Environmental Health Hazard Assessment.

- 7) Authorizes the Standards Board to adopt emergency regulations to implement these provisions, as specified.
- 8) Defines “lifeguard” as a person actively employed as a lifeguard by a city, county, city and county, district, or other public or municipal corporation or political subdivision, or a person actively employed as a state lifeguard by the Department of Parks and Recreation.
- 9) Defines “park ranger” as a person that enforces park rules and regulations and is actively employed as a park ranger by a city, county, city and county, district, or other public or municipal corporation or political subdivision, or is actively employed as a state park ranger by the Department of Parks and Recreation.
- 10) Defines “transboundary pollution” as environmental pollutants or toxins contaminating state water or air that originate from Baja California and threaten the health and safety of the public or environment.
- 11) Makes various findings and declarations related to the Tijuana River Valley and transboundary pollution.

COMMENTS

1. Background:

Occupational Safety and Health Standards Board (Standards Board)

The Standards Board, within Cal/OSHA, is the only agency in the state authorized to adopt, amend, or repeal occupational safety and health standards or orders. Its mission is to promote, adopt, and maintain reasonable and enforceable standards that ensure a safe and healthful workplace. The Standards Board consists of seven members appointed by the Governor. Two members are selected from labor, two members from management, one member from occupational safety, one member from occupational health, and one member from the general public. Among other responsibilities, the Standards Board 1) adopts and maintains standards; 2) considers petitions for new or revised standards proposed by any interested person; and 3) grants permanent variances from standards. To carry out its duties, the Standards Board holds monthly meetings throughout California.

The Standards Board must adopt standards at least as effective as federal ones for all health and safety issues that have federal standards promulgated under the Occupational Safety and health Act of 1970. Additionally, the Standards Board maintains standards unique to the state, like those for amusement rides, aerial passenger tramways, and heat illness. Depending on its scope and application, standards can apply to state and local government and private sector workplace operations.

The Administrative Procedure Act governs the public hearing and adoption process. After a rulemaking action is deemed necessary, proposed standard changes are developed by either the Standard Board's staff or Cal/OSHA’s staff, generally with the assistance and recommendations of an advisory committee. Advisory committees consist of representatives from industry, labor, the public, and other interested groups. If the changes are related to federal standards, the proposal is reviewed by Federal OSHA staff. The proposal is then scheduled for hearing at one of the Board's monthly meetings, so that written and oral

testimony can be solicited. Following the public hearing, all testimony is returned to the originating staff (either the Standards Board staff or Cal/OSHA) for review. When all comments and testimony have been addressed by either modifying the proposal or providing a satisfactory explanation for rejection of suggested changes, the Standards Board's staff schedules the proposed standard for consideration and adoption at its next meeting. Following adoption, a copy of the rulemaking file is sent to the Office of Administrative Law. After approval, the standards are published in Title 8 of the California Code of Regulations.

The Tijuana River Valley and Transboundary Pollution

Every day the Tijuana River carries millions of gallons of untreated sewage, industrial waste, and contaminated runoff across the U.S.-Mexico border. The river flows through Tijuana, Mexico and into the United States via the Tijuana River Valley in southern San Diego County, before emptying into the Pacific Ocean.¹ Factories and shantytowns in Tijuana that aren't connected to the city's sewage system are primarily responsible for the pollution.² Although this binational problem dates back decades, explosive population growth in Tijuana, aging wastewater treatment plants in both the U.S. and Mexico, and climate change have exacerbated pollution.³

Communities near the river suffer adverse health and economic impacts. Scientists have detected high levels of hydrogen sulfide in the air, which can cause headaches, fatigue, skin infections, anxiety, and respiratory and gastrointestinal problems. All of which residents near the river have complained of for years. According to the U.S. Centers for Disease Control and Prevention, nearly half of the 40,900 households in the southern San Diego County region have experienced health problems most likely attributable to the pollution.⁴ The Office of the Naval Inspector General found that in 2025, more than 1,100 Navy recruits contracted gastrointestinal illnesses after training in southern San Diego waters.⁵ On top of the health issues, the contaminated ocean water and hydrogen sulfide also destabilize local economies that rely on tourism. Imperial Beach has been closed for over 1,300 consecutive days and Coronado Beach closes intermittently due to contamination.⁶

There are no overnight solutions that will alleviate health issues and reopen beaches. Instead, officials from the U.S. and Mexico will need to work together to expand sewage treatment plants, test water quality, and survey impacted residents to understand health issues. Despite the Trump Administration's cuts to other federal programs, money has continued to flow for Tijuana River cleanup.⁷ In July of 2025, the U.S. and Mexico signed a memorandum of understanding aimed at ending the flow of raw sewage into the Tijuana River. Under the deal, Mexico agreed to complete an allocation of \$93 million toward sanitation infrastructure and complete all projects by December 31, 2027, and the U.S. agreed to release funds for

¹ Rico, B., et al. [Heavily polluted Tijuana River drives regional air quality crisis](#). *Science*. 2025

² Karlamangla, Soumya. ["In California, There's One Import No One Wants."](#) *New York Times*. May 26, 2025.

³ Ibid.

⁴ Ibid.

⁵ Friedman, Lisa. ["U.S. and Mexico Sign Deal to Stop Sewage Release into Tijuana River"](#) *New York Times*. July 25, 2025.

⁶ San Diego CoastKeeper. [Current Advisories and Closures](#). March 30, 2025.

⁷ Brennan, Deborah. ["EPA Touts Bipartisan Effort to Clean Up Tijuana River."](#) *CalMatters*. February 9, 2026.

water infrastructure improvements on the border.⁸ A subsequent agreement, known as Minute 333, was signed in December of 2025.⁹

This bill

The *Prior and Related Legislation* section details the Legislature’s long history of directing Cal/OSHA to develop and propose to the Standards Board various health and safety standards. SB 1046 would continue this practice by requiring Cal/OSHA, on or before January 1, 2030, to propose to the Standards Board a standard that protects the health and safety of employees who risk high or prolonged exposure to transboundary pollution in outdoor occupational environments, as specified. The measure would also authorize the Standards Board to consider identifying an exposure threshold for hydrogen sulfide at which acute or chronic health effects occur to reference in the adopted standard and to consider exposure thresholds for other relevant pollutants.

2. Committee Amendments:

Committee amendments 1) clarify that the Standards Board should adopt one standard on transboundary pollution, rather than multiple; and 2) give Cal/OSHA and the Standards Board discretion to develop and adopt a standard that is broader in scope or broader in application than what is required by SB 1046.

LAB 6726 (d) ~~In addition to the standards described in subdivision (c), the standards board may consider any other standard for adoption that will provide protection or safeguards for employees exposed to transboundary pollution in an outdoor working environment.~~

(d) Subdivision (c) does not limit the authority of the division to develop a standard, or the authority of the standards board to adopt a standard, that is broader in scope or broader in application than required by this section.

LAB 6726 (f) The standards board may develop the standards ***standard*** described in subdivisions (c) and (d) ***subdivision (b)*** in consultation with lifeguards, park rangers, trade and labor unions, cities, counties, private and public sector employers, air districts, local environmental and public health agencies, universities and academic institutions, the Department of Parks and Recreation, the State Air Resources Board, the State Water Resources Control Board, regional water quality control boards, and the Office of Environmental Health Hazard Assessment.

3. Need for this bill?

According to the author:

“Millions of gallons of sewage are transported each year into California from the Tijuana River. This transboundary pollution, consisting of toxic chemicals, fecal matter bacteria, hydrogen sulfide, and pathogens, presents a hazard to the workers that are regularly exposed to the coastal waters of the Tijuana River Valley and San Diego region. Even without direct

⁸ Friedman, Lisa. “[U.S. and Mexico Sign Deal to Stop Sewage Release into Tijuana River](#)” *New York Times*. July 25, 2025.

⁹ City News Service. “[Trump administration signs updated agreement with Mexico over Tijuana sewage.](#)” KPBS. December 15, 2025.

contact with contaminated waters, an outdoor working environment close to these waters increases exposure to the air that has collected pollutants through aerosolization. Lifeguards and park rangers employed by the city, county, and state have faced relatively higher risks of illness, especially when it rains or floods. Prolonged exposure can result in gastrointestinal illness, skin infections, and respiratory and neurological disorders. Workers have experienced headaches, fatigue, nausea, and bloody noses following exposure to contaminated air and water. Employers currently lack the guidance and tools to ensure protection or safety for workers at risk. Mechanisms (e.g., incident reports) specific to these conditions do not currently exist and would be useful in tracking the impact of the pollution on workers.

This bill requires the Division of Occupational Safety and Health Standards (CalOSHA) and the Occupational Safety and Health Standards Board (OSHSB) to develop standards to protect lifeguards, park rangers, and other occupations determined to be at risk by CalOSHA from transboundary pollution.”

4. Proponent Arguments:

The sponsor of the measure, SEIU California, states:

“Water samples from the Tijuana River have revealed a dangerous cocktail of industrial chemicals, pesticides, pharmaceuticals, and fecal bacteria. Even without direct contact with the water, pollutants aerosolize, causing significant health impacts in nearby communities. These aerosolized toxins can lead to high levels of hydrogen sulfide, a dangerous, odor-causing gas, and the risks are intensified by increasingly common extreme weather events, such as heavy rain and flooding.

SEIU members working near the California–Mexico border are at a heightened risk of occupational exposure to transboundary pollution. Currently, they risk illness with little to no protection or accommodations. Unlike other workplace hazards, there is currently no guidance on reporting illnesses, tracking incidents, or providing protective communication. Lifeguards and park rangers frequently experience headaches, fatigue, nausea, abdominal pain, and even bloody noses. After performing water rescues, lifeguards often require several days to recover from symptoms before they can return to work.

SB 1046 would direct the Division of Occupational Safety and Health (Cal/OSHA) to propose a standard for review and adoption by the Occupational Safety and Health Standards Board to protect the health and safety of employees exposed to transboundary pollution. By providing employers with essential tools, such as hazard communication and respiratory protection, SB 1046 would reduce illnesses among SEIU members who work to keep our outdoor spaces safe.”

5. Opponent Arguments:

None received.

6. Prior and Related Legislation:

SB 10 (Padilla, 2025) would authorize the San Diego Association of Governments to utilize toll revenues from the State Route 11/Otay Mesa Port of Entry to assist in the maintenance of the South Bay International Boundary and Water Commission sewage treatment facility and

other infrastructure projects related to the Tijuana River. *SB 10 is pending hearing in the Assembly Transportation Committee.*

AB 1181 (Haney, Chapter 392, Statutes of 2025) required the Standards Board to consider modifying its existing safety order, by January 1, 2028, in a manner that addresses National Fire Protection Association performance standards for PPE that result in the use of perfluoroalkyl and polyfluoroalkyl substances and other hazardous substances in firefighting personal protective garments and auxiliary firefighting PPE.

SB 20 (Menjivar, Chapter 734, Statutes of 2025) addressed worker safety in the artificial stone fabrication industry, by among other things, 1) codifying engineering controls and work practices developed and adopted by the Standards Board in the Labor Code; 2) requiring an owner or operator of a fabrication shop to ensure that any employee who performs high-exposure trigger tasks receives training and to provide to Cal/OSHA a written attestation of that training, as specified; and 3) requiring the State Department of Public Health to conduct outreach.

AB 2975 (Gipson, Chapter 749, Statutes of 2024) required the Standards Board, by March 1, 2027, to amend the existing workplace violence prevention in health care standard to require licensed hospitals to implement a weapons detection screening policy that includes the use of weapons detection devices that automatically screen a person's body at specified entrances.

AB 3258 (Bryan, Chapter 978, Statutes of 2024) expanded the scope of the California Refinery and Chemical Plant Worker Safety Act of 1990 by revising the definition of "refinery" and directed the Standards Board to consider for adoption, regulations that implement process safety management standards for the revised definition of refinery, as specified.

AB 1007 (Ortega, Chapter 352, Statutes of 2023) required Cal/OSHA, by December 1, 2026, to submit to the Standards Board a proposed regulation requiring a health facility to evacuate or remove plume using plume scavenging systems in all settings that employ techniques that involve the creation of plume. This bill also required the Standards Board to consider the proposed regulation for adoption by June 1, 2027.

AB 2243 (Garcia, Chapter 778, Statutes of 2022) required Cal/OSHA, before December 1, 2025, to submit to the Standards Board a proposal to consider revising the heat illness standard, as specified, and the wildfire smoke standard for farm workers to increase the protection of workers exposed to heat and smoke in outdoor settings, as specified.

SB 1167 (Mendoza, Chapter 839, Statutes of 2016) required Cal/OSHA to propose to the Standards Board for review and adoption, a standard that minimizes heat-related illness and injury among workers working in indoor places of employment by January 1, 2019.

SB 1299 (Padilla, Chapter 842, Statutes of 2014) required the Standards Board, no later than July 1, 2016, to adopt standards that require specified hospitals to adopt a workplace violence prevention plan as part of their injury and illness prevention plan to protect health care workers and other facility personnel from aggressive and violent behavior.

SEIU California (Sponsor)
Sierra Club
Teamsters California

OPPOSITION

None received

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