
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

SB 1046 (Blakespear) - Occupational safety: transboundary pollution

Version: April 9, 2026

Urgency: No

Hearing Date: April 20, 2026

Policy Vote: L., P.E. & R. 4 - 0

Mandate: No

Consultant: Robert Ingenito

Bill Summary: SB 1046 would require the Department of Industrial Relations' 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.

Fiscal Impact: Administrative costs to DIR have yet to be determined, but at a minimum would total in the hundreds of thousands of dollars annually (Occupational Health and Safety Fund, see Staff Comments).

Background: The Standards Board, within Cal/OSHA, is the only state agency 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. 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. Depending on its scope and application, standards can apply to state and local government and private sector workplace operations.

The Tijuana River carries millions of gallons of untreated sewage, industrial waste, and contaminated runoff across the U.S.-Mexico border on a daily basis. 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. Economic activity by entities in Tijuana not connected to the city's sewage system are reportedly responsible for the pollution. Recent population growth in Tijuana, aging wastewater treatment plants in both countries, and climate change have additionally exacerbated pollution. Communities near the river suffer adverse health and economic impacts. Moreover, the contaminated ocean water and hydrogen sulfide also adversely impact local economies that rely on tourism. For instance, Imperial Beach has been closed for over 1,300 consecutive days and Coronado Beach closes intermittently due to contamination.

Proposed Law: This bill, among other things, would do the following:

- Require CalOSHA, 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, as defined, in outdoor occupational environments, as specified.

- Require the 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.
- Authorize the Board to develop the standard in consultation with other specified groups.
- Authorize the Board to adopt emergency regulations to implement these provisions.

Related Legislation:

- SB 10 (Padilla) 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. The bill is currently pending 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.
- 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.

Staff Comments: As noted above, DIR has yet to determine the administrative costs that would result from this bill. However, as summarized above, several enacted bills in recent years have directed Cal/OSHA to develop and propose various health and safety standards to the Standards Board. These prior bills have generally resulted in costs in the hundreds of thousands of dollars per year of rulemaking.

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