

SENATE THIRD READING
SB 1046 (Blakespear and Padilla)
As Amended April 9, 2026
Majority vote

SUMMARY

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) 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, as specified.

Major Provisions

- 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.
 - a) Provides that the standard shall apply to lifeguards, park rangers, and other employees that the division determines are at high risk.
- 2) Requires the standard adopted to include all of the following:
 - a) Personal protective equipment (PPE), 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 as described in 4) below, 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 PPE.
 - iv) Reporting practices.
- 3) Provides that 2) above does not limit the authority of Cal/OSHA 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 bill.
 - 4) 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.
 - 5) Authorizes the Standards Board to develop the standard 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.
 - 6) Authorizes the Standards Board to adopt emergency regulations to implement this section, as specified.
 - 7) Defines certain terms, including:
 - a) "Lifeguard" to mean 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.
 - b) "Park ranger" means 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.
 - c) "Transboundary pollution" means 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.
 - 8) Makes related findings and declarations.

COMMENTS

The Standards Board is the standards-setting agency within the Cal/OSHA program. The seven-member body is appointed by the Governor and is tasked with adopting reasonable and enforceable standards at least as effective as federal standards. The Standards Board is also responsible for granting or denying applications for variances from adopted standards and responding to petitions for new or revised standards.

Numerous bills over the years have directed Cal/OSHA and the Standards Board to work together to propose and adopt specified standards to protect workers from various environments and hazards.

Pollution in the Tijuana River Valley:

The Tijuana River Valley is a broad floodplain located directly adjacent to the US-Mexico border. Located between two heavily populated urban areas – Tijuana, Mexico, and the California cities of Imperial Beach, Chula Vista, National City, San Diego, and Coronado – the Tijuana River Valley has for years been plagued by untreated wastewater flows, contaminated sediment loads, and trash influxes, adversely impacting the affected environment, surrounding communities, and overall public health and safety of the region.

According to the California State Lands Commission, "Transboundary flows from Mexico into the United States occur regularly due to inadequate water infrastructure that becomes overwhelmed with wastewater, debris, and heavy precipitation. Ideally, wastewater from the City of Tijuana is supposed to be diverted before entering the Tijuana River Valley in California, treated, and discharged 5 miles south of the border into the Pacific Ocean. However, the water diversion infrastructure in Mexico and in the United States is frequently overwhelmed, especially during wet weather events causing untreated wastewater overflow to enter the Tijuana River Valley and Estuary and flow into the Pacific Ocean south of the city of Imperial Beach. These overflows of untreated wastewater, sewage, and debris impede public access to the coast as beaches are closed throughout the year due to poor water quality and fecal contamination. Communities in the region suffer from poor air quality caused by the aerosolization and stench of pollutants carried through the transboundary flows."¹

Residents experience asthma, stomach problems, skin rashes and headaches, even without direct contact with the water. Nearby schools regularly keep students inside when air quality worsens.

Workers in the area, especially outdoor workers, are similarly impacted. Outdoor workers are regularly exposed to pollutants in the air and face relatively higher risks of illness. Workers have experienced and reported headaches, fatigue, nausea and bloody noses following exposure to contaminated air and water. Prolonged exposure can result in gastrointestinal illness, skin infections, and respiratory and neurological disorders.

According to the Author

"The Tijuana River transports millions of gallons of untreated wastewater, including sewage and industrial waste, from Tijuana into California every year. This decades-old problem has plagued the South Bay coastline with more than 1,300 consecutive days of beach closures. Research shows that pollutants from the Tijuana River's contaminated water aerosolize, entering the air and causing health impacts in nearby communities. SB 1046 directs Cal/OSHA to develop workplace standards for minimizing exposure to transboundary pollution, including adopting requirements for personal protective equipment, hazard communication, incident reporting and trainings. The guidelines are to be developed with input from communities exposed to the pollution as well as lifeguards, park rangers, local governments, labor unions, air districts and academic experts."

Arguments in Support

SEIU California, sponsor of this measure, writes that "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

¹ <https://www.slc.ca.gov/trv-transboundary-pollution-crisis/>

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."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) Costs of approximately \$1.2 million in the first year and \$1.1 million each additional year of the rulemaking project to the Department of Industrial Relations (DIR), as well as one-time costs of \$100,000 if DIR must conduct a Standardized Regulatory Impact Assessment as part of the process (Occupational Safety and Health Fund). Additionally, Cal/OSHA will likely incur costs of an unknown amount for enforcement once the standard is enacted.
- 2) One-time costs of approximately \$250,000 to OEHHA for an external contract to support identification of the hydrogen sulfide exposure threshold, to study the long-term health effects of hydrogen sulfide exposure, and work with Cal/OSHA and OSHSB to incorporate these findings into the standard (General Fund). OEHHA also estimates absorbable costs to provide public information and engage with interested parties related to this work.
- 3) Likely minor and absorbable costs to other named state agencies (Department of Parks and Recreation, Air Resources Board (ARB), and State Water Resources Control Board) to consult with OSHSB to develop the standard.

VOTES

SENATE FLOOR: 38-0-2

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Hurtado, Jones, Laird, Limón, McGuire, McNERNEY, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Becker, Grove

ASM LABOR AND EMPLOYMENT: 7-0-0

YES: Ortega, Alanis, Chen, Arambula, Kalra, Lee, Ward

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Hoover, Arambula, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

UPDATED

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