

UNFINISHED BUSINESS

Bill No: SB 1046
Author: Blakespear (D) and Padilla (D)
Amended: 8/21/26
Vote: 21

SENATE LABOR, PUB. EMP. & RET. COMMITTEE: 4-0, 4/8/26

AYES: Smallwood-Cuevas, Strickland, Cortese, Durazo

NO VOTE RECORDED: Laird

SENATE APPROPRIATIONS COMMITTEE: 7-0, 5/14/26

AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

SENATE FLOOR: 38-0, 5/20/26

AYES: 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

NO VOTE RECORDED: Becker, Grove

ASSEMBLY FLOOR: 76-0, 8/25/26 - See last page for vote

SUBJECT: Occupational safety: transboundary pollution

SOURCE: SEIU California

DIGEST: 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.

Assembly Amendments 1) clarify the definition of transboundary pollution; 2) specify that Cal/OSHA shall submit a standard on transboundary pollution to the Standards Board for its *consideration and possible* adoption, rather than for its

review and adoption; 3) require Cal/OSHA's proposed standard to apply to high-risk employees who work within a 10-mile radius of specified areas; 4) authorize, rather than require, the proposed standard to include specified criteria; and 5) make technical changes.

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).

This bill:

- 1) Requires Cal/OSHA, on or before January 1, 2030, to propose to the Standards Board, for its consideration and possible 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, who work within a 10-mile radius of the boundary of any of the following:
 - a) The Tijuana River Valley Regional Park.
 - b) The Tijuana Slough National Wildlife Refuge.
 - c) The Tijuana River.
 - d) The New River.
- 3) Provides that the standard described in 1) may 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, Cal/OSHA 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 workplace hazards relating to 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 3) 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 these provisions.
 - 5) Requires Cal/OSHA 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 Cal/OSHA to develop the standards described in 1) 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, enter through the Tijuana River, the Pacific Ocean, or the New River, 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.

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. Factories and shanty towns in Tijuana that aren't connected to the city's sewage system are primarily responsible for the pollution. 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.

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 are symptoms that 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. 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. 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.

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. 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 water infrastructure improvements on the border. A subsequent agreement, known as Minute 333, was signed in December of 2025.

SB 1046. The prior 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 Cal/OSHA 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.

Related/Prior Legislation

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 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.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

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.

SUPPORT: (Verified 8/25/26)

SEIU California (Source)

Boys & Girls Clubs of South County

Cleanearth4kids.org

Environmental Center of San Diego

League of Women Voters of California

League of Women Voters of San Diego

Outdoor Outreach

San Diego Bird Alliance
Sierra Club
Stop the Sewage
Surfrider Foundation
Surfrider Foundation San Diego County
Teamsters California
Tijuana River Coalition
Tribal Sacred Waters, INC
Un Mar De Colores
YMCA of San Diego County

OPPOSITION: (Verified 8/25/26)

None received

ARGUMENTS IN SUPPORT:

According to SEIU California:

“Transboundary pollution contaminates the air, water, and soil of border cities and counties, including San Diego, Imperial Beach, and Calexico. Every year, the Tijuana River transports millions of gallons of untreated wastewater, including sewage and industrial waste, from Tijuana into California. This decades-old crisis has plagued the South Bay coastline, resulting in 1,300 consecutive days of beach closures as of 2025...

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.”

ASSEMBLY FLOOR: 76-0 8/25/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: McKinnor, Patterson, Sanchez

Prepared by: Emma Bruce / L., P.E. & R. / (916) 651-1556
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