

AMENDED IN ASSEMBLY JUNE 30, 2021

AMENDED IN SENATE MARCH 3, 2021

SENATE BILL

No. 410

Introduced by Senator Leyva

February 12, 2021

An act to amend Section 142.4 of the Labor Code, relating to occupational safety and health.

LEGISLATIVE COUNSEL'S DIGEST

SB 410, as amended, Leyva. Occupational safety and health: regulations.

Existing law establishes the Occupational Safety and Health Standards Board within the Department of Industrial Relations. Existing law authorizes the standards board to adopt, amend, or repeal occupational safety and health standards and orders, as defined, and requires the adoption of standards at least as effective as the federal standards for all issues for which federal standards have been promulgated under provisions of the federal Occupational Safety and Health Act of 1970. Existing law generally requires the adoption, amendment, or repeal of standards and orders by the standards board to comply with the rulemaking provisions of the Administrative Procedure Act (APA), but exempts from provisions of the APA relating to public participation and review of proposed regulations a standard or amendment to any standard adopted by the standards board that is substantially the same as a federal standard, including existing APA requirements, for a proposed nonmajor regulation, to prepare a prescribed economic impact assessment and, for a proposed major regulation, to prepare a standardized regulatory impact analysis in a manner prescribed by the Department of Finance.

This bill would exempt any occupational safety and health standard and order from the standardized regulatory impact analysis requirement. *The bill would also require an economic impact assessment to be prepared for the adoption, amendment, or repeal of any occupational safety and health standard and order, including for any such standard and order that is a major regulation proposed after January 1, 2022.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 142.4 of the Labor Code is amended to
 2 read:
 3 142.4. (a) (1) Occupational safety and health standards and
 4 orders shall be adopted, amended, or repealed as provided in
 5 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division
 6 3 of Title 2 of the Government Code, except as modified by this
 7 chapter.
 8 (2) (A) Notwithstanding paragraph (1), an occupational safety
 9 and health standard and order shall be exempt from subdivision
 10 (c) of Section 11346.3 of the Government Code.
 11 (B) ~~Nothing in this chapter shall exempt an occupational safety~~
 12 ~~and health standard and order from the requirement to prepare~~
 13 *Notwithstanding any other law, an economic impact assessment*
 14 *pursuant to subdivision (b) of Section 11346.3 of the Government*
 15 ~~Code; Code shall be prepared for the adoption, amendment, or~~
 16 ~~repeal of any occupational safety and health standard and order~~
 17 *under this section, regardless of whether the occupational safety*
 18 *and health standard and order is a major regulation or is not a major*
 19 ~~regulation. regulation, including for any occupational safety and~~
 20 *health standard and order that is a major regulation proposed*
 21 *after January 1, 2022.*
 22 (b) If an emergency regulation is based upon an emergency
 23 temporary standard published in the Federal Register by the
 24 Secretary of Labor pursuant to Section 6(c)(1) of the federal
 25 Occupational Safety and Health Act of 1970 (P.L. 91-596; 29
 26 U.S.C. Sec. 655(c)(1)), the 120-day period specified in Section
 27 11346.1 of the Government Code shall be deemed not to expire
 28 until 120 days after a permanent standard is promulgated by the
 29 Secretary of Labor pursuant to Section 6(c)(3) of the federal

- 1 Occupational Safety and Health Act of 1970 (29 U.S.C. Sec.
- 2 655(c)(3)).

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