

AMENDED IN SENATE JUNE 15, 2022

AMENDED IN ASSEMBLY MAY 19, 2022

AMENDED IN ASSEMBLY MARCH 21, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2243**

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**Introduced by Assembly Members Eduardo Garcia and Luz Rivas**  
**(Coauthors: Assembly Members Robert Rivas and Bloom)**  
(Coauthor: Senator Stern)

February 16, 2022

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An act to amend Section 6721 of the Labor Code, relating to occupational safety and health.

LEGISLATIVE COUNSEL'S DIGEST

AB 2243, as amended, Eduardo Garcia. Occupational safety and health standards: heat illness: wildfire smoke.

Existing law grants the Division of Occupational Safety and Health, which is within the Department of Industrial Relations, jurisdiction over all employment and places of employment, with the power necessary to enforce and administer all occupational health and safety laws and standards. The Occupational Safety and Health Standards Board, an independent entity within the department, has the exclusive authority to adopt occupational safety and health standards within the state. Existing law, the California Occupational Safety and Health Act of 1973 (OSHA), requires employers to comply with certain safety and health standards, as specified, and charges the division with enforcement of the act. Under OSHA, certain knowing, negligent, or willful violations of safety and health standards are punishable as a misdemeanor. The existing Maria Isabel Vasquez Jimenez heat illness standard provides

for the prevention of heat-related illness of employees in outdoor places of employment, as prescribed. There is also an existing standard for workplace protection from wildfire smoke.

This bill would require the division, before ~~January 1, 2024~~, *December 1, 2025*, to submit to the standards board a rulemaking proposal to consider revising the heat illness ~~standard~~ *standard and wildfire smoke standard*. *The bill would require the division, in preparing the proposed regulations, to consider revising the heat illness standard to include an ultrahigh heat standard for employees in outdoor places of employment for heat in excess of 105 degrees Fahrenheit, as prescribed, and require employers to distribute copies of the Heat Illness Prevention Plan, as provided. The bill would similarly require a rulemaking proposal to consider revising the wildfire smoke standard to reduce the existing air quality index threshold for PM2.5 particulate matter at which control by respiratory protective equipment becomes mandatory. The bill would require the standards board to review the proposed changes and adopt revised standards before July 1, 2024. December 1, 2025.* The bill would further require the division to consider ~~regulations~~ *regulations, or revising existing regulations*, relating to protections related to acclimatization to higher ~~temperatures and training programs for outdoor employees in directly administering first aid~~, *temperatures*, as provided.

Because this bill would require the adoption of additional safety standards, the violation of which would be a misdemeanor, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

- 1 SECTION 1. Section 6721 of the Labor Code is amended to
- 2 read:
- 3 6721. (a) The heat illness prevention standards set forth in
- 4 Section 3395 of Title 8 of the California Code of Regulations shall
- 5 be known, and may be cited, as the Maria Isabel Vasquez Jimenez
- 6 heat illness standard.

1 (b) The division, before ~~January 1, 2024~~, *December 1, 2025*,  
2 shall submit to the standards board a rulemaking proposal to  
3 consider revising *Section 3395 of Title 8 of the California Code*  
4 *of Regulations and Section 5141.1 of Title 8 of the California Code*  
5 *of Regulations. In preparing the proposed regulations, the division*  
6 *shall consider revising the following:*

7 (1) The heat illness standard in subdivision (a), to do the  
8 following:

9 (A) Include an ultrahigh heat standard for employees in outdoor  
10 places of employment for heat in excess of 105 degrees Fahrenheit.  
11 The ultrahigh heat standard shall include additional mandatory  
12 ~~paid rest and recover breaks~~ *preventative cooldown rest periods*  
13 ~~every hour, more accessible~~ *readily and immediately available*  
14 cool water, and increased employer monitoring of employees for  
15 symptoms of heat-related illnesses in addition to other protections  
16 the division may consider for the standard.

17 (B) Require employers to distribute a copy of the Heat Illness  
18 Prevention Plan to all new employees upon hire and ~~when~~  
19 ~~temperatures first exceed 80 degrees.~~ *upon training required by*  
20 *Section 3395 of Title 8 of the California Code of Regulations, but*  
21 *no more than twice per year to each employee.*

22 (C) Require employers to distribute a copy of the Heat Illness  
23 Prevention Plan to all employees *at least once* on an annual basis.

24 (2) The wildfire smoke standards set forth in Section 5141.1 of  
25 Title 8 of the California Code of Regulations, to reduce the AQI  
26 threshold for PM2.5 at which control by respiratory protective  
27 equipment becomes mandatory to, at a maximum, an AQI of 301  
28 or more. The proposed threshold may be lower than 301 AQI or  
29 more, as determined by the division. For an AQI above 301 but  
30 below 500, the employer need not implement fit testing and  
31 medical evaluations or otherwise implement requirements under  
32 Section 5144 of Title 8 of the California Code of Regulations.

33 (c) The standards board shall review the proposed changes and  
34 adopt revised standards before ~~July 1, 2024~~, *December 1, 2025*.

35 (d) The division shall consider developing regulations, or  
36 revising existing regulations, related to ~~the following~~;

37 (1) ~~Additional~~ *additional* protections related to acclimatization  
38 to higher temperatures, especially following an absence of a week  
39 or more from working in ultrahigh heat settings, including after  
40 an illness.

1 ~~(2) Linguistically appropriate training programs for outdoor~~  
2 ~~employees in directly administering first aid related to extreme~~  
3 ~~heat-related illnesses, particularly in rural areas.~~

4 (e) As used in this section:

5 (1) "AQI" means air quality index.

6 (2) "PM2.5" means solid particles and liquid droplets suspended  
7 in air, known as particulate matter, with an aerodynamic diameter  
8 of 2.5 micrometers or smaller.

9 SEC. 2. No reimbursement is required by this act pursuant to  
10 Section 6 of Article XIII B of the California Constitution because  
11 the only costs that may be incurred by a local agency or school  
12 district will be incurred because this act creates a new crime or  
13 infraction, eliminates a crime or infraction, or changes the penalty  
14 for a crime or infraction, within the meaning of Section 17556 of  
15 the Government Code, or changes the definition of a crime within  
16 the meaning of Section 6 of Article XIII B of the California  
17 Constitution.