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**AB-2243 Occupational safety and health standards: heat illness: wildfire smoke.** (2021-2022)

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**Assembly Bill No. 2243**

**CHAPTER 778**

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

[ Approved by Governor September 29, 2022. Filed with Secretary of State September 29, 2022. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2243, 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 December 1, 2025, to submit to the standards board a rulemaking proposal to consider revising the heat illness standard and wildfire smoke standard. The bill would require the division, in preparing the proposed regulations, to consider revising the heat illness standard to 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, with regard to farmworkers, to reduce the existing air quality index threshold for PM2.5 particulate matter at which control by respiratory protective equipment becomes mandatory for farmworkers. The bill would require the standards board to review the proposed changes and consider adopting revised standards on or before December 31, 2025. The bill would further require the division to consider regulations, or revising existing regulations, relating to protections related to acclimatization to higher temperatures, as provided.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 6721 of the Labor Code is amended to read:

**6721.** (a) The heat illness prevention standards set forth in Section 3395 of Title 8 of the California Code of Regulations shall be known, and may be cited, as the Maria Isabel Vasquez Jimenez heat illness standard.

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

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

(A) Require employers to distribute a copy of the Heat Illness Prevention Plan to all new employees upon hire and upon training required by Section 3395 of Title 8 of the California Code of Regulations, but no more than twice per year to each employee.

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

(2) With regard to farmworkers, the wildfire smoke standards set forth in Section 5141.1 of Title 8 of the California Code of Regulations, to reduce the AQI threshold for PM<sub>2.5</sub> at which control by respiratory protective equipment becomes mandatory for farmworkers to, at a maximum, an AQI of 301 or more. The proposed threshold may be lower than 301 AQI or more, as determined by the division. For an AQI above 301, the employer need not implement fit testing and medical evaluations or otherwise implement requirements under Section 5144 of Title 8 of the California Code of Regulations.

(c) The standards board shall review the proposed changes and consider adopting revised standards for the standards described in subdivision (b) on or before December 31, 2025.

(d) The division shall consider developing regulations, or revising existing regulations, related to additional protections related to acclimatization to higher temperatures, especially following an absence of a week or more from working in ultrahigh heat settings, including after an illness.

(e) As used in this section:

(1) "AQI" means air quality index.

(2) "PM<sub>2.5</sub>" means solid particles and liquid droplets suspended in air, known as particulate matter, with an aerodynamic diameter of 2.5 micrometers or smaller.