

# RESIST & rebuild

CALIFORNIA LABOR FEDERATION 2017

## FACT SHEET SB 772 (Leyva) & AB 673 (Chu) IMPROVE WORKER HEALTH & SAFETY

### Purpose

---

To improve workplace safety in the face of new federal attacks on key regulations that protect workers on the job.

### Background

---

In the three months since President Trump was sworn in, there has been a concerted effort to repeal many Obama-era regulations. Several Executive Orders have been issued to review, repeal, and restrict regulations, even one requiring that for every new regulation issued, two must be overturned. The Republican Congress has already passed resolutions and legislation rolling back many protections for workers.

Deregulation rarely benefits workers and this is particularly true when it comes to worker safety. To get worker safety regulations passed often requires decades of advocacy and sadly, far too many worker injuries and deaths before regulators will stand up to industry.

It took 18 years for unions to persuade the federal government to limit permissible exposure to beryllium, a chemical which causes chronic lung disease and lung cancer. Within a month of taking office, the Trump Administration delayed implementation of that rule.

Two bills to roll back health and safety protections await the President's promised signature: (1) Would overturn OSHA authority to issue citations and levy fines against companies with 10 or more employees if they failed to record illnesses, injuries, and deaths for the previous five years; and (2) Would overturn the Fair Pay and Safe Workplaces to require that businesses disclose and correct serious

safety violations when bidding for federal contracts valued at \$500,000 or more.

In the face of these federal rollbacks, it is essential that state agencies be able to act quickly to promulgate the needed standards to protect workers. Unfortunately, those efforts have been stymied by a burdensome process that requires a flawed economic assessment of all regulations estimated at \$50 million or more in both costs and benefits.

This assessment, referred to as the Standardized Regulatory Impact Assessment (SRIA), is so burdensome that developing a major regulation now takes about a year longer than prior. While this process was intended to improve the regulatory process, the result has been a duplicative process that costs more, takes longer, and protects fewer workers.

For example, SB 1167 (Leyva/Mendoza, 2016) directed Cal/OSHA to develop an indoor heat safety standard by January 1, 2019. During the 2016 legislative session, this proposed standard—and its potential costs and benefits—were debated at length during numerous policy committees, floor presentations, and other discussions.

Now that the bill is law, advisory committee meetings have begun. These meetings, which occur for virtually every proposed safety standard, exist specifically to allow a detailed, thorough consideration of the standard's costs and benefits to both workers and employers. The first indoor heat advisory committee meeting took place on February 28th, and additional meetings will occur throughout 2017.

Following these meetings, the rulemaking process begins, during which further consideration of the

CONTINUED

---

California Labor Federation, AFL-CIO [www.californialabor.org](http://www.californialabor.org)

Legislative Office: 1127 11th St., Suite 425 • Sacramento, CA 95814 • P: 916-444-3676 • F: 916-444-7693  
Main Office: 600 Grand Ave., Suite 410 • Oakland, CA 94610 • P: 510-663-4000 • F: 510-663-4099

**LEGISLATIVE AGENDA**

fiscal impact will take place. The proposed standard will then go to California’s Occupational Safety & Health Standards Board (OSHSB) for both a public hearing and a public meeting. Extensive discussion over costs and benefits will therefore occur at a minimum of two OSHSB meetings.

The SRIA review, then, mandates a *fifth* fiscal analysis, in the middle of this already lengthy process, before regulations can become law. And SRIA’s are no joke: typically outside economists must be hired and about a year is necessary to prepare something meeting Department of Finance (DOF) standards.

Worse yet, if the SRIA fails to pass muster with the DOF, or if the regulation needs to be changed, the whole process must start over and that entire investment of time and money is lost—not to mention that SRIA’s create the potential for litigation if an interested outside party disapproves of the submitted analysis. Given the degree to which these outside parties often oppose new worker safety standards, it is safe to assume they will explore every potential avenue to further slow down an already arduous process.

Perhaps the most harmful unintended consequence has been the pressure on worker safety advocates to limit or weaken proposed standards. The recently approved health care workplace violence standard, for example, exempted certain health care facilities to avoid meeting the \$50 million threshold. Meeting this threshold would have triggered SRIA and thus delayed the standard by at least a year—an even worse outcome for those involved, given the importance of reducing these risks as soon as possible.

Transit workers specifically have seen a spike in health and safety incidents ranging from workplace violence to cumulative trauma. The safety of riders and the public is also at risk due to accidents caused by low visibility on many buses.

Transit authorities should not be able to risk the safety of both drivers and the public through substandard equipment purchases that may save money up front, but cause greater expense and more accidents down the line.

President Trump’s budget proposes a 21% cut to the Department of Labor, with federal OSHA taking a major hit. This is the time for California to strengthen our worker health and safety protections in response.

**What These Bills Will Do**

---

**SB 772 (Leyva)** simply exempts worker health and safety standards from the duplicative and time-consuming SRIA-process. All other existing layers of review, including internal fiscal analysis, the advisory committee process, OSHSB public hearings and meetings, and the standard rulemaking process, remain unaffected. The bill reflects the exceptionally detailed fiscal analysis that already takes place at Cal/OSHA and allows the agency to focus scarce resources on more effective uses.

**AB 673 (Chu)** requires transit authorities to consider certain safety features when purchasing new buses, including standards around better visibility and driver protection. The bill will not require agencies to purchase new buses, but will greatly reduce the likelihood of accidents involving drivers, riders, or the public, when new vehicles are necessary.

**Support (SB 772, Leyva)**

---

- ~ California Labor Federation (Co-Sponsor)
- ~ State Building & Construction Trades Council of California (Co-Sponsor)
- ~ California Nurses Association (Co-Sponsor)

**Support (AB 673, Chu)**

---

- ~ California Labor Federation (Co-Sponsor)
- ~ Amalgamated Transit Union (Co-Sponsor)

**Key Contacts**

---

Mitch Seaman  
California Labor Federation  
Mseaman@calaborfed.org  
(916) 444-3676 ext. 14