



**NOTICE AND CALL OF A SPECIAL MEETING
OF THE ORANGE COUNTY FIRE AUTHORITY'S
LEGISLATIVE AND PUBLIC AFFAIRS COMMITTEE**

A Special Meeting has been scheduled for
Wednesday, May 15, 2024, for 12:30 p.m.

The meeting will be held at:
Orange County Fire Authority
Regional Fire Operations and Training Center
1 Fire Authority Road, Classroom 1
Irvine, CA 92602

The business to be transacted at the meeting
and opportunity for members of the public to address the Committee Members
regarding any item of business is described on the Agenda.

Katrina Foley, /ss/
Chair



ORANGE COUNTY FIRE AUTHORITY AGENDA

Legislative and Public Affairs Committee Special Meeting

Wednesday, May 15, 2024
12:30 p.m.

Orange County Fire Authority
Regional Fire Operations & Training Center
One Fire Authority Road, Classroom 1
Irvine, CA 92602

Committee Members

Katrina Foley, Chair • Connor Traut, Vice Chair
Ross Chun • Anne Mallari • Donald Wagner • Joe Kalmick • Chris Duncan

NOTICE REGARDING PUBLIC ACCESS AND PARTICIPATION

This meeting is open to the public. Committee members will participate in person. There are several alternative ways to make comments including:

In Person Comments at Meeting: Resolution No. 97-024 established rules of decorum for public meetings held by the Orange County Fire Authority. Resolution No. 97-024 is available from the Clerk of the Authority.

Any member of the public may address the Committee on items within their subject matter jurisdiction, but which are not listed on this agenda during PUBLIC COMMENTS. However, no action may be taken on matters that are not part of the posted agenda. We request comments made on the agenda be made at the time the item is considered and that comments be limited to three minutes per person. Please address your comments to the Committee and do not engage in dialogue with individual Board Members, Authority staff, or members of the audience.

If you wish to speak, please complete a Speaker Form identifying which item(s) you wish to address. Please return the completed form to the Clerk of the Authority prior to item being considered. Speaker Forms are available at the entryway of meeting location.

E-Comments: Alternatively, you may email your written comments to coa@ocfa.org. E-comments will be provided to the Committee members upon receipt and will be part of the meeting record as long as they are received during or before the Committee takes action on an item. Emails related to an item that are received after the item has been acted upon by the Committee will not be considered.

This Agenda contains a brief general description of each item to be considered. Except as otherwise provided by law, no action or discussion shall be taken on any item not appearing on the following Agenda. Unless legally privileged, all supporting documents, including staff reports, and any writings or documents provided to a majority of the Committee members after the posting of this agenda are available for review at the Orange County Fire Authority Regional Fire Operations & Training Center, 1 Fire Authority Road, Irvine, CA 92602 or you may contact the Clerk of the Authority at (714) 573-6040 Monday through Thursday, and every other Friday from 8 a.m. to 5 p.m. and available online at <http://www.ocfa.org>



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Clerk of the Authority at (714) 573-6040 and identify the need and the requested modification or accommodation. Please notify us as soon as is feasible, however 48 hours prior to the meeting is appreciated to enable the Authority to make reasonable arrangements to assure accessibility to the meeting.

CALL TO ORDER by Chair Foley

PLEDGE OF ALLEGIANCE by Director Duncan

ROLL CALL by Assistant Clerk of the Authority

PUBLIC COMMENTS

Please refer to instructions on how to submit a public comment on Page 1 of this Agenda.

1. PRESENTATION

No items.

2. CONSENT CALENDAR

No Items.

3. DISCUSSION CALENDAR

A. Legislative Report

Submitted by: Robert C. Cortez, Assistant Chief/Business Services Department and Olina Wibroe-Benson, Legislative Affairs Program Manager

Recommended Action:

Review the proposed Legislative Report and direct staff to place the item on the agenda for the Executive Committee meeting of May 23, 2024, with the Legislative and Public Affairs Committee recommendation to receive and file the Legislative Report and adopt the recommended bill positions, in alignment with the Board-adopted Legislative Platform.

COMMITTEE MEMBER COMMENTS

ADJOURNMENT – The next regular meeting of the Legislative and Public Affairs Committee is scheduled for Wednesday, July 17, 2024, at 12:00 p.m.

AFFIDAVIT OF POSTING

I hereby certify under penalty of perjury and as required by the State of California, Government Code § 54956, that the foregoing Agenda was posted in the lobby and front gate public display case of the Orange County Fire Authority, Regional Fire Operations and Training Center, 1 Fire Authority Road, Irvine, CA, not less than 24 hours prior to the meeting.

Maria D. Huizar, CMC
Clerk of the Authority

FUTURE AGENDA ITEMS – THREE-MONTH OUTLOOK:

- Legislative Quarterly Update
- Public Affairs Quarterly Update



Orange County Fire Authority **AGENDA STAFF REPORT**

Legislative and Public Affairs Committee
May 15, 2024

Agenda Item No. 3A
Discussion Calendar

Legislative Report

Contact(s) for Further Information

Robert C. Cortez, Assistant Chief
Business Services Department

robertcortez@ocfa.org

714.573-6012

Olina Wibroe-Benson
Legislative Affairs Program Manager

olinabenson@ocfa.org

714.573.6048

Summary

This item is submitted to inform the committee of legislation that staff has identified for tracking with revised recommended bill positions.

Prior Board/Committee Action(s)

At its March 20, 2024, Legislative and Public Affairs Meeting, the Committee approved the Legislative report and bill positions by a 4-1 vote.

At its March 28, 2024, Executive Committee meeting, the Committee voted to table the action due to a lack of available bill information.

RECOMMENDED ACTION(S)

Review the proposed Legislative Report and direct staff to place the item on the agenda for the Executive Committee meeting of May 23, 2024, with the Legislative and Public Affairs Committee recommendation to receive and file the Legislative Report and adopt the recommended bill positions in alignment with the Board-adopted Legislative Platform.

Impact to Cities/County

Not Applicable.

Fiscal Impact

Not Applicable.

Background

The attached Legislative Report provides an update on the State's budget deficit and other relevant legislative and budgetary activity taking place at the State and Federal level. Additionally, the report provides a matrix of bills that are of interest to the OCFA with revised bill positions based on Executive Management and State lobbyist review. Staff and our lobbyists will provide an oral report and solicit input and direction as needed from the Committee.

Regarding the revised 2024 State bill matrix with recommendations (Attachment 2), a recommended position of "support or oppose" may result in a letter to the author once adopted. Bills identified with a recommendation to "monitor" will be tracked for additional amendments or analysis that may help clarify impacts. As bills are amended, staff will return to the committee for further discussion and direction.

Attachment(s)

1. State Lobbyist Report
2. 2024 Revised State Bill Matrix with Recommendations
3. Fact Sheets
4. Federal Lobbyist Report

ATTORNEY WORK PRODUCT
PRIVILEGED & CONFIDENTIAL

TO: Olina Wibroe-Benson
Orange County Fire Authority (OCFA) **VIA PDF E-MAIL**

FROM: John Moffatt
Geoff Neill

DATE: April 29, 2024

RE: 2024 Legislative Report

State Budget Deficit

On Monday, April 15, Governor Newsom signed [AB 106](#), which represents the early budget actions that the Legislature passed the previous week. The bill includes \$5.2 billion of borrowing and revenue solutions, \$3.6 billion of reductions, \$3.4 billion of fund shifts, \$3.1 billion of delays, and \$2.1 billion of deferrals.

These \$17.5 billion in actions, most of which are one-time in nature, will reduce the size of the budget deficit. The Legislative Analyst's Office estimated in January the deficit was \$68 billion, about \$30 billion of which is ongoing.

AB 106 also allows the Administration to suspend any one-time funding approved in the 2021, 2022, or 2023 budgets, but only after giving the Joint Legislative Budget Committee 10 days' notice. The Administration quickly sent a letter providing that notice. Instead of listing specific one-time appropriations for suspension, the letter provides criteria that will be given to state agencies and departments.

The criteria:

- The appropriation is from the General Fund.

- The appropriation is not part of the Proposition 98 Guarantee.
- The appropriation is not for a specified state capital outlay project, or an emergency-related expenditure.
- There are remaining funds that are unallocated or unencumbered from the appropriation.
- The total value of unallocated or unencumbered funds is greater than \$1 million (not including state administrative overhead costs).

Meanwhile, state revenues showed little promise of a quick recovery. February and March revenues both ran close to January estimates, but it appears that April revenue will fall almost \$6 billion short. Personal income tax payments and withholdings stayed in-line with estimates, but both high refund volume and low corporation tax payments are pulling in the other direction. March sales tax revenues were also weak.

The Governor's May Revision, due by May 14, will provide updated revenue estimates and updated budget proposals. The Legislature will have one month from that date to pass a balanced budget.

Recent and Upcoming Dates of Interest

April 26 – *Deadline for fiscal bills to pass policy committee*
May 3 – *Deadline for non-fiscal bills to pass policy committee*
May 14 – *Governor issues May Revision budget proposals*
May 17 – *Deadline for bills to pass fiscal committee*
May 24 – *Deadline for bills to pass their house of origin*
June 15 – *Deadline for Legislature to pass the Budget Bill*
June 27 – *Deadline for ballot measures to qualify*
July 3 – *Deadline for bills to pass 2nd house policy committees*
July 4 – *Summer recess begins*



OCFA 2024 State Bill Matrix

The OCFA identified over 80 bills for review since the state bill introduction deadline of February 16, 2024. Following is a list of bills identified by staff for official positions and bills we are monitoring due to their subject matter, therefore bringing awareness to the committee.

Category	Bill	Author	Title	Summary	Position
EMS	AB 1792	Rodriguez	Emergency Medical Services: Protective Equipment	Requires the Emergency Medical Services Authority to develop standards, on or before January 1, 2027, for personal protective equipment for ambulance personnel and to update the standards on or before January 1, 2032, and every 5 years thereafter.	Monitor
EMS	AB 2225	Rodriguez	Discovery: Emergency Medical Services Review Committees	Extends an exemption from discovery as evidence the proceedings and records of specified organized committees of health care professionals and review committees having the responsibility of evaluation and improvement of the quality of care, for purposes of civil proceedings only, to the proceedings and records of emergency medical services organized committees and review committees.	Support
EMS	AB 2348	Rodriguez	Emergency Medical Services	Requires the Emergency Medical Services Authority to develop planning and implementation guidelines for response times. Requires the authority to develop a statewide standard methodology for calculation and reporting by a local EMS agency (LEMSA) of response time. Requires the authority to ensure the guidelines include a list of specified standardized terminology for a LEMSAs to use when granting exemptions or when modifying original response time data.	Support
Operations & Community Safety	AB 2344	Petrie-Norris	Fire Prevention: Grant Programs: Reporting	Requires the Wildfire and Forest Resilience Task Force, on or before July 1, 2025, and annually thereafter, to compile and post on its internet website specified information regarding identified state and federal grant programs relating to fire prevention and resilience.	Support
Operations & Community Safety	AB 2408	Haney	Firefighter personal protective equipment: PFAS	AB 2408 will ensure that the moment a safe alternative is made available for making firefighter gear water resistant, PFAS will be banned from being used. Additionally, the bill directs the Occupational Safety and Health Standards Board to revise its regulations to meet the latest testing safety standard within a year after it has been updated.	Support

Operations & Community Safety	AB 2727	Emerg. Mgmt Cmte	Office of Emergency Services: Maritime Firefighting	Establishes the Maritime Firefighting Mutual Aid Program within OES for the purpose of enhancing maritime firefighting capabilities of local fire departments. Requires, upon appropriation by the Legislature, OES to conduct an all-risk maritime response capabilities assessment, as specified, and acquire and provide fire boats to local fire departments, as specified, and require the local fire departments to utilize the fire boats to enhance local, regional, and mutual aid response capabilities.	Support
Operations & Community Safety	AB 3062	Bauer- Kahan	Fire Protection Districts: Electrical Corporations	Authorizes a fire protection district to require an electrical corporation or local publicly owned electric utility to notify the district at least 24 hours before performing scheduled, nonemergency hot work, deploying a safety and infrastructure protection team, or performing a prescribed or controlled burn within the district's jurisdiction, except as provided. Subjects an electrical corporation that fails to provide that notice to a civil penalty of \$500.	Support
Operations & Community Safety	AB 3065	Garcia	Fireworks: Retail Sales	Authorizes the retail sale of certified safe and sane fireworks from 9 a.m. on a specified date to midnight of a specified date of the following year pursuant to a license issued by the State Fire Marshal, if authorized by a charter city, city, county, or city and county ordinance or resolution that may also restrict the hours of use of those fireworks.	Oppose
Operations & Community Safety	AB 3150	Quirk-Silva	Fire safety: Fire Hazard Severity Zones	Requires the State Fire Marshal to provide an opportunity for the public to review and comment on the fire hazard severity zone maps before the State Fire Marshal submits them to the local agency. Requires the State Fire Marshal to develop a process to allow for the petition for a review and potential redesignation of large areas that have undergone a significant change in conditions that would likely result in a decrease in fire hazard based on substantial evidence.	Monitor
Operations & Community Safety	AB 2330	Holden	Endangered Species: Wildfire Prep Activities	Requires the Department of Fish and Wildlife to, within 90 days of receiving an application, authorize the take of endangered, threatened, or candidate species to any routine fuel management activities conducted by local agencies on lands that are within moderate, high, or very high fire hazard severity zones and adjacent to wildland-urban interface fire areas. This bill would make it easier for cities to remove vegetation in fire-risk areas next to urban communities by expediting environmental permits.	Support

Operations & Community Safety	SB 1066	Blakespear	Hazardous waste: marine flares: producer responsibility	Creates a producer responsibility program for marine flares. Defines covered product to mean a pyrotechnic device that produces a brilliant light or a plume of colorful smoke as a visual distress signal on marine vessels to attract attention and pinpoint a boater's location in an emergency.	Support
Administration – Business Svs.	SB 1325	Durazo	Public contracts: Best Value Procurement	Authorizes a state or local agency to award contracts through a "best value" procurement method.	Support
Administration - HR	AB 2421	Low	Employer-Employee Relations: Confidential Communication	Prohibits a local public agency employer, a state employer, a public school employer, a higher education employer, or the district from questioning any employee or employee representative regarding communications made in confidence between an employee and an employee representative in connection with representation relating to any matter within the scope of the recognized employee organization's representation.	Monitor
Administration – Business Svs.	AB 2660	Emerg. Mgmt Cmte	Office of Emergency Services: Federal Grant Funding	Requires the Office of Emergency Services (OES), to the extent permitted by federal law, to provide to local operational areas and urban areas the maximum local share of federal grant funding administered by the office from specified federal grant programs relating to emergency management and homeland security.	Support
Administration – Business Svs.	AB 2715	Boerner	Ralph M. Brown Act: Closed Session	Authorizes a closed session of a legislative body of a local agency to consider or evaluate matters related to cybersecurity, as specified, provided that any action taken on those matters is done in open session.	Support
Administration - HR	SB 1346	Durazo	Workers Compensation: Aggregate Disability Payment	Authorizes temporary disability benefits if a denial of treatment requested by a treating physician is subsequently overturned by independent medical review. Prohibits the temporary disability from exceeding the time from the date of the treatment denial through the date of the independent medical review determination overturning the treatment denial.	Monitor



ASSEMBLY MEMBER
Freddie Rodriguez
 DISTRICT 53

FACT SHEET



Assembly Bill 1792 (Rodriguez) **PPE Standards for Ambulance Workers** *Introduced January 4, 2024*

Summary

AB 1792 would require the California Emergency Medical Services Authority (EMSA) to develop standards for personal protective equipment (PPE) for ambulance workers.

Background

EMSA published guidelines for minimum PPE for ambulance workers, which must be provided to all ambulance workers (public, private, emergency, and non-emergency). These include items such as hard hats, eye and hearing protection, gloves, and flashlights. The guidelines have not been updated since their publication in 2006.

It is imperative that these guidelines keep up with the changing EMS landscape in California. Notably, the COVID-19 pandemic brought on unprecedented public health challenges and violence against EMS workers has increased in recent years.

According to the Centers for Disease Control and Prevention, **2,000 EMS workers experience violence or assault each year at work.** In 2017, 3,500 incidents of injury among EMS workers were caused by violence, comprising of 17% of all injuries. In 2008, that number was just 2,100, 10% of all injuries.¹

As EMS workers face new challenges on the job and threats to their safety, it is important that the state continue to evaluate the appropriate PPE that should be provided to ambulance personnel.

This Legislation

This bill would require EMSA to establish standards for PPE for ambulance personnel by January 2027 and update those standards every five years thereafter.

Support

AFSCME

International Association of EMTs and Paramedics

Contact Information

Allison Kustic, Senior Legislative Aide
 Assemblymember Freddie Rodriguez

Phone: (916) 319-2053

Allison.Kustic@asm.ca.gov

¹ "CDC Data on Non-fatal Injuries." Centers for Disease Control. Accessed August 24, 2021.
<https://www.cdc.gov/niosh/topics/ems/data.html>.



ASSEMBLY MEMBER
Freddie Rodriguez
DISTRICT 53

FACT SHEET



Assembly Bill 2225 (Rodriguez) **Exemption from Discovery: Peer Review Committees** *As Introduced on 2/7/2024*

Summary

AB 2225 would make emergency medical services' (EMS) records from a peer review committee exempt from the discovery process in litigation.

Background

EMS professionals deliver healthcare under challenging conditions. This care is provided around the clock, regardless of a patient's ability to pay or legal status. Delivering this care involves the complex coordination of paramedics, emergency medical technicians, physicians, nurses, call takers, dispatchers, and others. Like all healthcare providers, EMS professionals are committed to evaluating and improving the quality of care they deliver.

Multiple professions utilize peer review committees to evaluate the performance of licensed medical professionals, enhance the quality of medical care, and, if necessary, decide on a medical professional's continued practice rights. These medical peer review bodies are required to report disciplinary actions, including denials of staff privileges or employment, to their respective licensing boards.

Recognizing the critical role of an effective peer review process in ensuring patient safety and quality of care, the Legislature has exempted fourteen professions and their medical peer review records from standard discovery and evidence admissibility rules in litigation.

The underlying policy rationale for this exemption and for not compelling peer review participants' testimony is to foster maximum openness in evaluating medical professionals. It is crucial for professionals to discuss all aspects of a patient's care freely, without fearing that

these discussions could contribute to legal actions against that care.

However, EMS professionals currently lack the assurance that their peer review discussions will remain confidential and not be used against them in damage claims. As a result, some EMS agencies in California have had to rely on external entities, such as hospitals, to conduct their quality assurance (QA) activities or oversee them. This reliance could compromise prehospital care oversight quality by distancing it from those most acquainted with its delivery, thereby threatening the core principle of peer review: evaluation by one's peers.

This lack in legal protection poses a risk to public health by undermining the confidence in performing protected peer review QA, which is safeguarded in other healthcare settings.

This Legislation

AB 2225 would exempt records from EMS's peer review committees from the discovery process during litigation.

Support

Fire Districts of California (Co-Sponsor)
California Fire Chiefs Association (Co-Sponsor)

Contact

Byron Briones, Legislative Aide
Assemblymember Freddie Rodriguez
Phone: (916) 319 - 2053
Byron.Briones@asm.ca.gov



ASSEMBLY MEMBER
Freddie Rodriguez
DISTRICT 53

FACT SHEET



Assembly Bill 2348 (Rodriguez)

LEMSA Transparency

Introduced February 12, 2024

Summary

AB 2348 would require the California Emergency Medical Services Authority (EMSA) and Local Emergency Medical Services Agencies (LEMSAs) to engage in a number of planning and reporting actions to increase transparency and improve emergency response.

Background

LEMSAs are responsible for planning, coordinating, and improving local emergency and medical response systems. LEMSAs primarily work to organize prehospital services. Their plans provide policies for system organization and management, staffing and training, communication, response and transportation for emergency services, facilities and critical care, data collection and system evaluation, public information and education, disaster medical response, and more.

By requiring LEMSAs and EMSA to post approved plans on their websites, we can increase transparency for policymakers, stakeholders, and residents who want to see how emergency management officials are planning for response and care. Additionally, requiring ambulance providers to report publicly and to EMSA their 911 response times, and having LEMSAs make public their budgets and exemptions for not meeting 911 response time standards, we can see what may be hindering emergency response, either in planning, response, or simply unpredictable circumstances.

This transparency will help EMSA better guide LEMSAs in their annual plans and requiring EMSA to respond to annual plans within 90 days ensures LEMSAs operate on up-to-date plans.

This Legislation

AB 2348 would

- Add response times to the guidelines that EMSA must develop for LEMSAs to plan and implement.
- Require LEMSAs to consider the safety of responding EMS professionals when setting response time standards.
- Require EMSA to develop a standardize list of exemptions given to providers for failing to meet 911 response times.
- Require all ambulance providers to report their raw 911 response times both publically and to EMSA.
- Require LEMSAs to include in their annual plans their budget and a list of 911 response time exemptions.
- Require EMSA to respond to annual plans submitted by LEMSAs within 90 days.
- Require both EMSA and LEMSAs to post approved annual plans on their websites within 30 days of approval.

Support

Contact Information

Allison Kustic, Senior Legislative Aide
Assemblymember Freddie Rodriguez
Phone: (916) 319-2053
Allison.Kustic@asm.ca.gov



Assembly Bill 2344

Increasing Transparency and Accountability in California's Wildfire and Forest Resilience Investments

SUMMARY

AB 2344 will provide state policymakers, local communities, and other essential stakeholders with comprehensive data and information on state and federal investments into wildfire and forest resilience programs. With more transparency and accountability, stakeholders, communities, and policy-makers can better ensure that taxpayer dollars are used effectively toward reducing the main drivers of catastrophic wildfires and improve the resilience of increasingly vulnerable communities. As the state faces a multibillion-dollar budget deficit, ensuring limited resources are maximized is even more critical.

BACKGROUND

California has invested significant time and resources developing and implementing a comprehensive approach to wildfire related disaster preparedness, mitigation, and resilience. The California Wildfire and Forest Resilience Action Plan (Action Plan) lays out a detailed framework and associated implementation strategy and expenditure plan for establishing healthy and resilient forests and communities that can withstand and adapt to wildfire, drought, and climate change.

Implementation of the Action Plan requires coordination amongst state agencies and departments, the State Legislature, hundreds of stakeholders, and communities across California. The California Wildfire and Forest Resilience Task Force (Task Force) has oversight and coordination responsibility to ensure the Action Plan is implemented.

Implementation of the Action Plan also requires significant fiscal resources to undertake projects to improve forest health and resilience, create fuel

breaks, harden homes and communities, and build resilient lifeline infrastructure to withstand wildfire disasters when they do occur. Since FY 2020-21, the State has appropriated approximately \$2.8 billion for programs to support the State's wildfire and forest resilience goals and objectives.

NEED FOR THE BILL

While wildfire and forest resilience projects have been and continue to be awarded to communities throughout the state, the data is reported piecemeal across various state agencies, departments, boards, and offices. Further, the reporting is not adequate to understand that status of projects and programs and how the investments are making a collective difference in communities. Understanding the status of current programs is vital information in order to target and maximize additional investments in fire prone areas.

SOLUTION

Assembly Bill 2344 requires the Wildfire and Forest Resilience Task Force to make available on its existing internet website basic data and information already collected by state agencies to the public on wildfire and forest resilience programs, projects, and expenditures.

SUPPORT

BuildStrong California (Sponsor)

CONTACT

Kathleen Chen, Consultant
Utilities and Energy Committee
Kathleen.Chen@asm.ca.gov | (916) 319-2083



AB 2408 – Firefighter Cancer Prevention Act

SUMMARY

AB 2408 will protect our firefighters from cancer by ensuring their gear will be free of cancer causing chemicals. Current California firefighter gear has been found to contain significant levels per-fluoroalkyl and polyfluoroalkyl substances (PFAS) which are “forever chemicals” that are a known carcinogen. AB 2408 will ban PFAS from being used in California’s firefighting gear beginning July 1, 2026.

BACKGROUND

PFAS are manmade chemicals that have been found to be harmful to both human health and the environment, largely because they are considered “forever chemicals” – meaning they stay in both the body and in nature for a lifetime. They are often used to waterproof products, fire proof products, and to make products stain resistant. They are also used to make non-stick cookware.

When PFAS are released into the environment through one of their many sources, they do not break down. PFAS are then absorbed into the human body through inhalation, drinking water, or through direct contact. Research has established that PFAS are a known carcinogen, indicating their potential to cause cancer.

Firefighter gear has been found to contain significant levels of PFAS. The National Fire Protection Association (NFPA) currently sets the safety and quality standards for this equipment.

While manufacturers of personal protective equipment (PPE) have largely been able to produce gear able to meet existing NFPA standards with safe alternatives to PFAS, one of the standards for the actual gear the firefighters wear is a light degradation resistance test.

This test uses ultraviolet (UV) light to test the moisture resistance of the gear to make sure it can hold up in the field. Right now that test can only be passed by adding PFAS to the firefighting gear. However, the upcoming revision of the NPFA standard proposes removing the UV light test, recognizing that it does not apply to the materials inside the fabric of their gear because those materials are never exposed to direct sunlight.

EXISTING LAW

California has recognized the danger of PFAS and has passed legislation to restrict their use – including legislation aimed at protecting firefighters. In 2020, the Legislature passed legislation that would phase out the use of certain firefighting foams with PFAS – namely the foam that is used to fight chemical and oil fires. This type of firefighting foam is currently being phased out in both municipal and industrial firefighting settings in favor of safe and effective non-PFAS alternatives.

Other measures restricting the use of PFAS in consumer products have also been passed into law, including laws that prohibit the use of PFAS in textiles.



PROBLEM

Twenty years ago heart disease was the biggest threat to firefighter health. Today, cancer has replaced heart disease as the biggest killer of firefighters. The International Association of Fire Fighters attributes 66% of firefighter deaths between 2002 and 2019 to cancer.

While firefighting is an inherently dangerous profession, it is critical for the health and safety of California's firefighters that all unnecessary exposures are eliminated. Every exposure brings with it an additional risk of developing a deadly cancer, and to experience daily exposure to a known carcinogenic and toxic substance through the protective gear that they wear is simply unacceptable.

PFAS inclusion in firefighter gear hinges solely on the NFPA UV light test, and its pending removal at the federal level obligates California to be ready to immediately ban PFAS in firefighter gear after the decision is made.

SOLUTION

Firefighters risk their lives every day in order to selflessly save others. To prevent firefighters from suffering serious health problems it's important to ensure the gear they wear doesn't contain dangerous chemicals that will put them at a higher risk to chronic health problems.

AB 2408 will ensure that the moment a safe alternative is made available for making firefighter gear water resistant, PFAS will be banned from being used. Additionally, the bill directs the

Occupational Safety and Health Standards Board to revise its regulations to meet the latest testing safety standard within a year after it has been updated.

SUPPORT

California Professional Firefighters (Sponsor)
San Francisco Firefighters Local 798
California Labor Federation, AFL-CIO
Breast Cancer Prevention Partners
Clean Water Action
CleanEarth4Kids.org
Natural Resources Defense Council

FOR MORE INFORMATION

Julian Neo Sanchez | *Legislative Aide*
Office of Assemblymember Matt Haney
(916) 319-2017
JulianNeo.Sanchez@asm.ca.gov



ASSEMBLY MEMBER
Freddie Rodriguez
DISTRICT 53

FACT SHEET



Assembly Bill 2727 (Rodriguez) **Maritime Firefighting Mutual Aid Program** *As introduced Feb, 14 2024*

Summary

Assembly Bill (AB) 2727 authorizes the California Office of Emergency Services (Cal OES) to establish the Maritime Firefighting Mutual Aid Program to enhance the State's ability to respond to major vessel fires, anticipated fires following major earthquakes, emergency medical services, and/or hazardous materials emergencies in ports.

Background

In the United States, marine firefighting is the responsibility of local government. There are major commercial cargo and tourism vessels using California Ports that could require trained firefighting assistance. Fires afloat, at berth, or in dry dock are not unknown worldwide in the vessel classes California experiences.

Fire following earthquake is a significant problem in California. Fire services in California have not been tested by a major earthquake since 1906. FEMA and Cal OES scenarios predict a major earthquake in an urban area in California will result in several simultaneous ignitions and water distribution breaks. A robust maritime firefighting capability will mitigate this risk.

This Legislation

This bill requires Cal OES, upon appropriation by the Legislature, to conduct an all-risk maritime response capabilities assessment to identify local and regional gaps in maritime firefighting capabilities in responding to major vessel fires, fires following earthquakes, emergency medical services, or hazardous materials emergencies in ports, whether afloat or at a berth in dry dock.

To mitigate preparedness gaps identified by this all-risk maritime response capabilities assessment, Cal OES shall acquire and provide fire boats to local fire departments. Additionally, Cal OES shall provide sustainment funding to local fire departments for costs associated with fire boats provided under this article.

Local fire department(s), upon receipt of a fire boat, shall utilize the fire boat to enhance local, regional, and mutual aid response capabilities.

Finally, the bill establishes the "Maritime Firefighting Mutual Aid Fund" in the State Treasury for purposes of this newly established program.

Support

California Professional Firefighters
City of San Diego
County of Ventura
Oakland/Alameda Firefighters Local 55
Oakland Fire Department

Contact Information

Mike Dayton, Chief Consultant
Sarina Patel, Science Fellow
Committee on Emergency Management
Chair, Assemblymember Freddie Rodriguez
Phone (916) 319-2667
Mike.Dayton@asm.ca.gov
Sarina.Patel@asm.ca.gov



REBECCA BAUER-KAHAN
Assemblymember, District 16

AB 3062 – Utility Notification

Summary

AB 3062 will require all electrical utilities to notify local fire districts at least 24 hours before conducting mitigation or planned burns in a high fire risk area.

Background

2020 was California's worst fire season in modern history¹. By the end of the year, over 10,000 wildfires had burned more than 4.2 million acres of land in California. An exceeding 4 percent of all land in the state was burned by wildfires². Climate change has made our fire season much less predictable, and has contributed to both the intensity and duration of wildfires that our state faces. Over 2.7 million people in California live in a Fire Hazard Severity Zone. The Camp Fire of 2018, killed 85 people and was the most damaging fire in our state's history as well as the most expensive natural disaster in the world that year. It is clear that wildfires and other related natural disasters are a way of life in California and only growing in intensity.

Utility companies help manage vegetation fire risks and repair infrastructure in order to help prevent future fires. However, much of this work is done in high fire areas next to and around businesses and family homes, and the work risks accidentally cause fires. A common method of fire prevention is a "controlled burn". This is when a team will set a fire intentionally, in order to make that area less susceptible to wildfires in the future.

Problem

Currently, controlled burns and dangerous work is being conducted in areas with a designated high fire risk **without** the collaboration of the local fire district to protect the local area.

Solution

Utilities must provide clear communication and collaboration with fire districts locally. Cities of San Ramon and Orinda have passed local ordinances which require electrical utilities to notify the fire district during maintenance in a fire risk zone. This bill would take that model statewide for high-risk fire zones.

What this bill does

AB 3062 requires that electric utilities notify local fire districts via phone and email at least 24 hours before conducting hot work or performing a controlled burn.

If an electric utility fails to provide prior notification they will be subject to a civil penalty of \$500.

To prevent fires, collaboration and coordination of resources is paramount, and this is a commonsense practical measure to ensure that occurs.

Contact

Hannah Lee
Legislative Aide
Hannah.lee@asm.ca.gov
916-319-2484

¹ <https://www.theguardian.com/us-news/2020/dec/30/california-wildfires-north-complex-record>

² <https://www.fire.ca.gov/incidents/2020/#:~:text=As%20of%20the%20end%20of,giga%22%20as%20the%20area%20burned>



Issue:

In California, only State Fire Marshal-Approved Fireworks, known as "Safe and Sane Fireworks," are legal. These fireworks, which include static fountains, handheld items, spinners, and novelty items, adhere to all federal and state safety standards. Sales are authorized annually from noon on June 28 to noon on July 6, with local jurisdictions deciding whether to permit them.

Currently, 297 California communities allow the sale and use of Safe and Sane Fireworks on the 4th of July, generating over **\$110 million for 2,700+ nonprofit organizations**. These funds support vital community programs and serve as a crucial social safety net.

The proposed bill seeks to permit the sale of State Fire Marshal-Approved fireworks from 9:00 am on December 26 to midnight on January 1, **contingent upon a local jurisdiction choosing to participate**.

Background:

Whether or not a community permits 4th of July sale and use of these fireworks, the sale and use for the holiday period between Christmas and New Year's will not be legally permissible in that jurisdiction unless it adopts a separate ordinance or resolution permitting the sale and use for the holiday period between Christmas and New Year's.

As a result of AB 1403 (Garcia, Chapter 368, Statutes of 2023), a jurisdiction opting to allow sale and use for this holiday period may impose a fee on each retail location to recover that location's pro rata share of the jurisdiction's fireworks public education, enforcement, and suppression costs.

Communities face dangerous, illegal fireworks and gunfire during New Year's. Nonprofits are currently suffering from reduced donations, government funding cuts, and increased demand for social services. There is a need for additional funding options to meet critical community needs during economic challenges.

Bill Summary:

Proposed legislation lets California communities decide on the holiday period of Safe and Sane Fireworks sales and use. Local jurisdictions could generate additional revenue for the 4th of July and New Year's, aiding nonprofits.

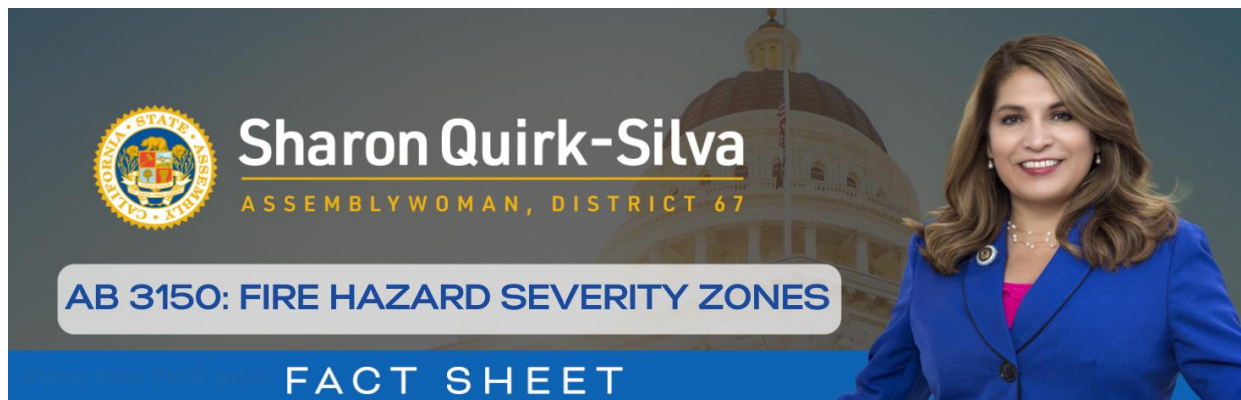
AB 3065 would provide nonprofits with a 100% consignment fundraising tool and serves as a safe alternative to illegal fireworks on New Year's Eve.

Support:

ALICE M. BIRNEY DAD'S CLUB
AMERICAN LEGION CECIL COX POST 0147
AMERICAN LEGION POST 299, CHINO AMERICAN
LEGION POST 411, PICO RIVERA
CENTRAL VALLEY YOUTH FOOTBALL ORG
CHINO HIGH SCHOOL PEP SQUAD
CHRIST LUTHERAN
CLOVIS APOSTOLIC
DON LUGO SPORTS BOOSTERS
FAMILY OF GOD CHURCH, PICO RIVERA
LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
NEW HOPE CHURCH - CLOVIS
ORANGE COVE CHRISTIAN CENTER
PICO RIVERA DONS FOOTBALL FOR YOUTH
SIMONIAN FAMILY FIREWORKS
VICTORY OUTREACH OF SELMA

For More Information:

Fabiola Moreno Ruelas-
Fabiola.ruelas@asm.ca.gov (916)319-2036



SUMMARY

AB 3150 strengthens the accuracy of California's Fire Hazard Severity Zones (FHSZ) maps by allowing the State Fire Marshall to consider map revisions through a petition process.

BACKGROUND

Existing California Law requires the State Fire Marshall to classify lands within the State Responsibility Areas into FHSZ. The FHSZ maps are developed using a science-based model that assigns a hazard score based on the factors influencing fire likelihood and fire behavior. There are three levels of hazard in the State Responsibility Areas: moderate, high, and very high. Similarly, the State Fire Marshall produces and revises Local Responsibility Areas maps.

FHSZ maps evaluate "hazard" based on the physical conditions that create a likelihood and expected fire behavior over a 30 to 50-year period without considering mitigation measures such as home hardening, defensible space, vegetation management, or fuel reduction efforts.

Millions of Californians, businesses, homeowners, tenants, and landlords are affected by California's FHSZ map designations. Outdated and inaccurate map designations can impact: (1) the availability and affordability of insurance; (2) information provided to property owners of the relative hazard they may have and ways to reduce those hazards; and (3) the cost of housing, to name a few.

California's employers depend on the availability and affordability of housing in California to attract and maintain employees. Therefore, ensuring the accuracy of FHSZ maps in between the cycle updates is very important because inaccuracies in the maps lead the public to mistrust the maps and can lead to misuse by decision-makers.

For example, the state and many jurisdictions develop mitigation measures on new and existing development based on the hazard severity zone delineated on the map. In other words, other agencies "tier off" CAL FIRE's maps by linking regulatory requirements to properties located within certain hazard areas.

Importantly, an outdated or inaccurate FHSZ map could result in: (1) some properties or communities not making improvements to protect their homes or businesses because the maps may incorrectly indicate a lower hazard probability than is appropriate; or (2) some properties or communities making improvements that won't reduce risk.

SOLUTION

AB 3150 is a good government measure that establishes a mechanism to update the Fire Hazard Severity Zone (FHSZ) Maps for 50 acres or more, similar to the process used for flood map revisions.

In addition, AB 3150 allows for public input on the update of the FHSZ Map for Local Responsibility Areas as the law already does in State Responsibility Areas.

Finally, AB 3150 shifts some regulatory authority from the Board of Forestry to the State Fire Marshal who is responsible for the FHSZ Maps statewide.

SUPPORT

- California Building Industry Association (CBIA)

CONTACT

Dawn Adler, Legislative Director
dawn.adler@asm.ca.gov
(916) 319-2067

Assembly Bill 2330 – Fuel Management Streamlining

Assemblymember Chris R. Holden

SUMMARY

AB 2330 would require the Department of Fish and Wildlife to, within 90 days of receiving an application, authorize through permits or memorandum of understanding the take of endangered species, threatened species, and candidate species incidental to any routine fuel management activities conducted by local agencies on lands that are within moderate, high, or very high fire hazard severity zones and adjacent to wildland-urban interface fire areas.

BACKGROUND

Long permitting timelines are delaying local jurisdictions from being able to conduct fuel reduction activities on lands located in fire hazard severity zones that are adjacent to urban areas. This delay increases the potential risk of wildfire on communities and homeowners in the wildland-urban interface (WUI).

Environmental laws: The California Endangered Species Act (CESA) is a California environmental law that conserves and protects plant and animal species. CESA requires the California Department of Fish and Wildlife (CDFW) to oversee the regulatory permitting programs to authorize take of listed species.

Fire Hazard: Fire Hazard Severity Zone maps evaluate “hazard,” not “risk”. They are like flood zone maps, where lands are described in terms of the probability level of a particular area being inundated by floodwaters, and not specifically prescriptive of impacts.

“Hazard” is based on the physical conditions that create a likelihood and expected fire behavior over a 30 to 50-year period without considering mitigation measures such as home hardening, recent wildfire, or fuel reduction efforts.

Fire Hazard Severity Zone (FHSZ) maps are developed using a science-based and field-tested model.

Many factors are considered such as fire history, existing and potential fuel (natural vegetation), predicted flame length, blowing embers, terrain, and typical fire weather for the area. The State Fire Marshall is mandated to develop Fire Hazard Severity Zone maps for State Responsibility Areas (SRAs). Local jurisdictions have created Fire Hazard Severity Zone Maps for Local Responsibility Areas (LRAs). Local agencies can also adopt ordinances related to a communities’ hazard mapping and building code requirements.

EXISTING LAW

Section 2081 of the Fish and Game Code

THE SOLUTION

AB 2330 helps expedite permits for fuel management activities to ensure public safety in alignment with environmental laws, to:

- Have CDFW, consult with the State Fire Marshall, to create an environmentally sensitive area map of lands that are within the fire hazard severity zones (very high, high or moderate) and adjacent to urban development (community or homeowners). Maps should be updated every five years and the State Fire Marshall should retain these maps.
- Provide CDFW 90 days to approve necessary permits for ongoing, routine fuel reduction activities; if beyond 90 days, the State Fire Marshall could authorize a local jurisdiction to conduct fuel reduction activities on environmentally sensitive lands for emergency preparedness and protection of life and property purposes

SUPPORT

League of California Cities (Sponsor)

Contact: Willie Armstrong, Chief of Staff
Willie.Armstrong@asm.ca.gov



Senate Bill 1066: Marine Flare Producer Responsibility Act

SUMMARY

SB 1066 will require producers of marine flares to fund and operate a convenient collection system to manage expired or unwanted flares, which are toxic and explosive, to ensure they are properly disposed of.

BACKGROUND

The U.S. Coast Guard [requires](#) recreational boats 16 feet or longer operating in and around coastal waters to be equipped with three unexpired approved visual distress signals for day and night use. Boaters most often meet this provision by carrying marine flares—pyrotechnic devices that produce bright light or colorful smoke to attract attention in an emergency. Alternative visual distress signals are available, but some boaters feel safer with traditional flares due to increased visibility during the day.

The California Department of Toxic Substances Control (DTSC) and the Environmental Protection Agency (EPA) classify unwanted and/or expired flares as [hazardous waste](#) that cannot be disposed of in waterways or the trash. They contain toxic metals and other pollutants that can contaminate water, impair thyroid function, or otherwise be harmful.

Flares are also reactive and ignitable, meaning they must be stored and

transported as explosive devices. A Type 4 [magazine](#), a container that is fire-resistant, weather-, and theft-resistant, is often required. If unattended, vehicular magazines must be rendered immobile.

PROBLEM

Marine flares expire 42 months after manufacture and the California Division of Boating and Waterways estimates approximately [174,000](#) flares expire in the state each year. However, nearly all household hazardous waste (HHW) facilities refuse to accept flares due to the potential danger.

In fact, Alameda County is the only county in the state that actively accepts flares, but even they lack the permits necessary to actually dispose of flares. Further, there are no facilities in California that have the necessary permit to actually dispose of these flares. There is only one facility in the country that accepts flares for disposal; it is located in Missouri.

This leaves boaters with few options. Some will stockpile their expired flares, which could cause a fire, or dispose of them in the ocean, which creates pollution. Others set them off as fireworks, risking a [felony](#) under federal law.

Local governments report finding flares left in front of fire and police stations or improperly disposed of in the trash. These options put workers at great risk: a marine flare can accidentally [explode](#) while being unknowingly handled.



SENATOR MARIA ELENA DURAZO

LEGISLATIVE FACTSHEET

Best Value Procurement

Senate Bill 1325

Summary

SB 1325 maximizes the benefits of public investments by empowering agencies to use best value procurement for public purchases. Best value procurement is a comprehensive policy framework that empowers government entities to consider important factors, such as community and environmental benefits, when determining successful bidders. This procurement model has successfully created good jobs and strengthened communities in California.

Background

Best value procurement differs from other procurement models, such as the commonly used "Lowest Responsible Bidder" framework, by allowing factors like environmental and community benefits—in addition to price—to be evaluated and scored within the bid process. By adopting best value procurement, local and state agencies can amplify the impact of public dollars to create good jobs and advance racial, gender, and climate equity.

This type of procurement has a successful track record: LA Metro's Manufacturing Careers Policy (a best value procurement policy) has created good jobs for workers and communities. Metro utilized an earlier version of the MCP to award an electric bus contract to BYD, creating hundreds of high-quality jobs at their Lancaster, California facility.

Problem

With California set to receive tens of billions of dollars from the federal government in the coming years, we have a once-in-a-generation opportunity to use these funds not just to build out our critical infrastructure needs, but also to raise job standards across the state.

Without policy interventions—like best value procurement—that incentivize companies to raise standards, many of the jobs created by federal funding within critical industries like clean technology manufacturing will lead Californians to poverty wages.

The current system of awarding public contracts to the lowest responsible bidder inherently rewards bad actors. When contractors are selected based on price and quality alone, they are incentivized to cut labor costs to offer more competitive bids. Allowing this to continue would be a major missed opportunity to entrench high quality job creation into the way our state does business.

State and local agencies face a confusing patchwork of best value procurement authorization within state code. Some agencies have explicit permission to utilize best value procurement while others do not, and some have authorization but only under specific circumstances. This ad hoc contracting authority, which is often done in very different sections of state code, makes it difficult for agencies to understand if they have authority to adopt best value procurement models.

Solution

The first step to incorporate high quality job standards is to ensure that agencies have the clear guidance they need to amplify the impact of state and federal investments.

Most local agencies and school districts are currently bound to a singular type of purchasing or are unclear on if they are authorized to choose between methods.

SB 1325 creates authorizing statutes for Best Value Procurement to empower cities, states, and public agencies to use our public dollars to create quality products and good jobs while advancing racial, gender, and climate equity.

Support

Jobs to Move America

Contact

Bethany Renfree, Legislative Director

Bethany.Renfree@sen.ca.gov



OFFICE OF ASSEMBLYMEMBER

Evan Low

TWENTY-SIXTH ASSEMBLY DISTRICT

Assembly Bill 2421: Employee-Union Communications

SUMMARY

Assembly Bill (AB) 2421 ensures that communications between employees and their union representatives remains confidential, making it an unfair labor practice for an employer to require them to disclose information.

BACKGROUND

In California, public employees have the right to unionize under various state laws and regulations. These laws protect workers' rights to join, form, and participate in labor organizations for collective bargaining purposes. Additionally, the state has enacted laws to prevent unfair labor practices by employers, ensuring workers can exercise their rights to organize without facing retaliation or discrimination.

In 2003, in the case of *American Airlines, Inc. v. Superior Court*, the California Court of Appeal examined whether communications between employees and their union representatives are protected by a privilege similar to attorney-client privilege. The court determined that such communications are not protected under state law, emphasizing that employees do not have the same expectation of confidentiality when speaking with union representatives as when speaking with attorneys. This decision highlighted the need for explicit statutory confidentiality protection in employee-union communications.

Four states have already recognized the importance of protecting the confidentiality of certain communications between employees and union agents. Last year, Washington approved HB 1187 to create an exception from examination and disclosure for a union representative and a union employee concerning any communication between the union representatives or union employee made during union representation.

Illinois (735 ILCS 735 § 5/8-803.5) and Maryland (MD Code, Courts and Judicial Proceedings § 9-124) have also enacted legislation establishing a statutory privilege for communications between employee and their union representative.

In 2012, the Alaska Supreme Court acknowledged the necessity of a privilege akin to attorney-client privilege between union agents and employees. The court highlighted that forcing disclosure of such communications, especially in grievance discussions, could deter employees from speaking candidly with their agents.

SOLUTION

While employees commonly believe that discussions with their union representative regarding workplace matters, such as discipline or grievances, are confidential, current state law does not explicitly prohibit employers from compelling employees or their representatives to disclose such communications.

AB 2421 prohibits a local public agency employer, a state employer, a public school employer, a higher education employer, or the district from questioning any employee or employee representative regarding communications made in confidence between an employee and an employee representative in connection with representation relating to any matter within the scope of the recognized employee organization's representation. Maintaining confidentiality in such communications is essential to fostering trust and ensuring effective representation.

SUPPORT

Peace Officers Research Association of California - Sponsor
California Association of Psychiatric Technicians
Professional Engineers in California Government



ASSEMBLY MEMBER

Freddie Rodriguez

DISTRICT 53

FACT SHEET



Assembly Bill 2660 (Rodriguez) **Enhancing Local Emergency Management Capabilities** *As Introduced on February 14, 2024*

Summary

AB 2660 would require the California Office of Emergency Services (Cal OES) to provide cities and counties the maximum amount of specified federal emergency preparedness grants.

Background

Cal OES administers several federal emergency preparedness grant programs provided by the US Department of Homeland Security (DHS) and the Federal Emergency Management Agency (FEMA).

Under these programs, the state is allowed to retain a portion of these funds for grant administration, statewide projects, and emergency preparedness and security projects that benefit local jurisdictions. Historically, even though the State is empowered to sub-award or pass through the entire amount of federal grants to locals, it has chosen to not do so.

This bill being offered as a win-win for emergency management in California. Not only will it increase the capabilities of local emergency management programs, which are predisposed to be more culturally competent, but it will help solve the current budget crisis. Realignment grant match requirements will save the State over \$12 million a year in General Funds.

Underserved communities suffer disproportionately in disasters. Instilling equity in emergency management services is crucial to meeting the unique needs of California's diverse communities and breaking the existing cycle of compounding risks for vulnerable groups.

This bill addresses the distribution of three equity-driven emergency management grants from FEMA:

The Emergency Management Performance Grant (EMPG) Program

This all-hazard resilience grant prioritizes equity, climate resilience, and readiness. It provides for trainings to community partners, purchasing equipment, hiring additional staff, installing back-up power systems, prepositioning logistics and distribution infrastructure, developing or refining disaster plans, and implementing vulnerability-reducing programs.

EMPG carries a 1:1 match requirement from the awardee for every federal dollar received. In fiscal year 2023, California was awarded \$27.3 million, of which 44% is currently retained at the state level.

The EMPG program has no provision for the proportion of federal awards the state must award to local jurisdictions vs retain at the state agency level. The discretion is left to Cal OES as the grant-administering agency.

The State Homeland Security Grant (SHSG) Program

This grant assists efforts to build, sustain, and deliver capabilities to prepare for, protect against, and respond to acts of terrorism. Priority areas include protection of soft targets/crowded places, intelligence sharing, domestic violent extremism, cybersecurity, and election security. This money is targeted at planning, training/exercises, and awareness campaigns, as well as funding needed equipment and capital projects.

States are required by FEMA to pass 80% of awarded funds through to local jurisdictions. SHSG has no match requirement. In fiscal year 2023, California was awarded \$57 million, of which 20% is retained at the state level.

The Urban Areas Security Initiative (UASI) Program

This grant is very similar to the SHSG program with a particular emphasis on providing resources to high-threat, high-density urban areas.

States are required by FEMA to pass 80% of awarded funds through to local jurisdictions. UASI has no match requirement. In fiscal year 2023, California was awarded \$132.1 million, of which 18.5% is retained at the state level.

This Legislation

Specifically, this bill:

1. Directs Cal OES to award local emergency management jurisdictions the entirety of California's funding allocation, minus required administration costs and federally-imposed restrictions, for the following three programs:
 - a. The Emergency Management Performance Grant (EMPG) Program
 - b. The State Homeland Security Grant (SHSG) Program
 - c. The Urban Areas Security Initiative (UASI) Program
2. Increases the total budget of local Operational Areas (OA) by up to \$48 million, elevating their capacity to prepare for and respond to critical threats and damaging disasters.
3. Incurs a cost savings for the State of up to \$12 million in General Funds by realigning the grant-matching responsibility for the EMPG Program to local OAs instead of Cal OES.

Local agencies are more likely to be able to identify capacity gaps that could be filled with the additional equipment, capital and technical upgrades, trainings and exercises, staffing, security improvements etc. for which the grants identified in this bill provide.

Additionally, the equity focus of the grants realigned by this bill may be more efficiently served by supporting or hiring local managers who are already familiar with their underserved populations, and are more likely to have relationships with community leaders trusted by these populations who can help identify and address inequitable need-gaps with cultural competence.

Support

Assembly Committee on Emergency Management

Contact Information

Mike Dayton, Chief Consultant
Sarina Patel, Science Fellow
Committee on Emergency Management
Chair, Assemblymember Freddie Rodriguez
Phone: (916) 319-2667
Mike.Dayton@asm.ca.gov
Sarina.Patel@asm.ca.gov



Assemblymember Tasha Boerner, 77th District
AB 2715 RALPH M. BROWN ACT: CLOSED SESSIONS
(AS INTRODUCED ON FEBRUARY 14, 2024)

SUMMARY

AB 2715 would allow matters of cybersecurity to be discussed by a legislative body of a local agency during closed session, provided that any action taken on those matters is done in open session.

BACKGROUND

The current closed session exemption in existing law is for matters posing a threat to the security of public buildings, a threat to the security of essential public services, or a threat to the public's right of access to public services or public facilities. Existing law is unclear about whether current exemptions can be used to hold a closed session discussion about a local agency's cybersecurity risks and vulnerabilities when a cyber-attack is not imminent or underway. Therefore, local agencies do not currently have a method of privately discussing their cybersecurity, which increases local agency's vulnerability to such attacks.

EXISTING LAW

Existing law, the Ralph M. Brown Act, generally requires that all meetings of a legislative body of a local agency be open and that all persons of the public be permitted to attend and participate.

Existing law authorizes a legislative body to hold a closed session on, among other things, matters posing a threat to the security of essential public services, as specified.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

THIS BILL

AB 2715 would add cybersecurity to the list of closed session exemptions, thereby allowing local agencies to privately consider their cybersecurity risks.

SUPPORT

- City of Carlsbad (Sponsor)

OPPOSITION

- None on file.

FOR MORE INFORMATION

Christian Filbrun, Legislative Aide
(916) 319-2077
Christian.Filbrun@asm.ca.gov

Further, this puts the responsibility of proper disposal on local governments, often at great expense.

As an example, Zero Waste Sonoma (like most HHW facilities), does not have the equipment necessary to safely accept marine flares. However, people trying to get rid of expired flares lack options, and ultimately many flares make their way to facilities not permitted to accept them.

Zero Waste Sonoma had to find a way to properly dispose of the flares and used a contractor to transport the flares across the country to a permitted facility. Ultimately, this cost more than \$185 per flare, a cost that was ultimately passed on to taxpayers.

SOLUTION

SB 1066 shifts responsibility for disposing of marine flares from local government to those who produce them.

SB 1066 will require producers to create a producer responsibility plan for the collection, transportation, and safe and proper management of expired flares. The plan requires a free and convenient statewide collection program with permanent collection sites, as well as a statewide education and outreach program, including prominently displayed and easily visible signs at point of sale and in marinas.

SUPPORT

National Stewardship Action Council
(cosponsor)
Zero Waste Sonoma (cosponsor)
5 Gyres
7th Generation Advisors
Ban SUP (Single Use Plastic)

BoatSafe NW
Californians Against Waste
CA Association of Environmental Health
Administrators
CA Retailers Association
CA State Association of Counties
CA Teamsters Public Affairs Council
CA Waste Haulers Council
Center for Biological Diversity
Center for Environmental Health
City and County of San Francisco
City of Santa Barbara
City of Thousand Oaks
CleanEarth4Kids.org
Clean Water Action
County of Alameda
County of Northampton, PA
County of San Mateo
County of Santa Cruz
Delta Diablo
Environmental Working Group
Heal the Bay
Humboldt County
Intrepid Landing Marina
League of California Cities (Cal Cities)
Marin Sanitary Service
Maritime Institute
Napa Recycling and Waste Services
North American Hazardous Materials
Management Association
Northern CA Recycling Association
(NCRA)
Pacific Manta Research Group
Plastic Pollution Coalition
Recycling and Waste Reduction
Commission of Santa Clara County
ReGen Monterey (Monterey Regional
Waste Management District)
Republic Services
Resource Recovery Coalition of CA
ReThink Waste
Rural County Representatives of CA
San Francisco Baykeeper
San Joaquin County
San Mateo County Harbor District
San Rafael Fire Department
Santa Barbara County Board of
Supervisors

Save Our Shores
Seabreeze Books and Charts
Sea Hugger
Sirius Signal LLC
Somaliland Community Action Network
(SCAN)
Sonoma County Fire District
Sonoma County Regional Parks Dept.
South Lake Tahoe Fire Rescue
Stop Waste
Surfrider Foundation
Sustainable Mill Valley
The Last Plastic Straw
Town of Truckee
Turtle Island Restoration Network
West Contra Costa Integrated Waste
Management Authority
Western Placer Waste Mgmt. Auth.
Waste Management (WM)
Zero Waste Marin Joint Powers Authority
Zero Waste USA

STAFF CONTACT

Nadia Mahallati | Policy Analyst
Office of Senator Catherine Blakespear
Nadia.Mahallati@sen.ca.gov | 916-651-4038



SENATOR
MARIA ELENA DURAZO
LEGISLATIVE FACTSHEET

Senate Bill 1346 (Durazo)
Workers Compensation Temporary Disability Benefits

Summary:

SB 1346 (Durazo) is a narrowly tailored bill that closes a problematic gap in temporary disability (TD) coverage for an injured worker who experiences delays in treatment through no fault of their own.

Specifically, this bill provides that when a denial of medical treatment, made after a Utilization Review (UR), is overturned by Independent Medical Review (IMR) on medical necessity grounds, or by the Workers' Compensation Appeals Board (WCAB), temporary disability payments between the UR denial and its reversal are not to be included within the 104 week coverage time limit.

The *discretionary* authority to provide this additional benefit is only vested in the Workers' Compensation Appeals Board.

Background:

Existing law requires that an employee with a single injury occurring on or after January 1, 2008, causing temporary disability, shall not receive disability payments for more than 104 compensable weeks within a period of five years from the date of injury (Labor Code Section 4656).

California's workers' compensation law requires an employer to provide all medical treatment necessary to cure or relieve an employee from a work-related injury. In return, the employee cannot sue their employer. However, there is a 104-week time limit on temporary disability payments.

Problem:

Unfortunately, the 104-week cap is applied even in instances when the employee's medical treatment has been wrongfully denied and later authorized by either IMR or the WCAB.

According to industry data relied on by the Division of Workers' Compensation, less than 10% of UR denials are overturned by IMR when a denial is untimely and delays necessary treatment.

It is wrong for TD benefits for a small percentage of injured workers to end simply because necessary treatment was erroneously or unreasonably denied, and the denial delayed the injured worker's recovery and return to work.

Solution:

Injured workers who experience unfair delays should not be stripped of their ability to pay for their housing, utilities and food as they wait for treatment and recovery.

In limited instances when a UR denial is overturned by IMR on medical necessity grounds, or by the WCAB because it was untimely and unreasonable SB 1346 would allow the WCAB, in its sole discretion, to replace lost TD benefits beyond the 2-year statutory maximum. This will ensure that workers are not unjustly penalized due to a delay in their treatment that is no fault of their own.

Contact:

Jennifer.Richard@sen.ca.gov
(916) 651-4026

Sponsor:

California Applicants' Attorneys Association

Holland & Knight

800 17th Street, NW, Suite 1100 | Washington, DC 20006 | T 202-955-3000
Holland & Knight LLP | www.hklaw.com

Orange County Fire Authority May 2024 Report

Congress

Congress Cuts Several FEMA Preparedness Grant Programs in FY24 Homeland Security Bill

President Biden signed into law on March 23, the final FY24 Appropriations package that contained the FY24 Homeland Security Appropriations bill which funds a variety of FEMA grant programs. Unfortunately given the funding constraints Congress was working with, many of the program faced cuts to the previous year's funding levels. The exception to this was an increase in funding to the Urban Search & Rescue program, which saw its funding increased by \$3 million. This effort was led by Rep. Young Kim.

FEMA Preparedness Funding levels for FY 2024.

- \$468 million for the State Homeland Security Grant Program, a decrease of \$52 million
- \$553.5 million for Urban Area Security Initiative, a decrease of \$61.5 million
- \$274.5 million for the Nonprofit Security Grant Program, a decrease of \$30.5 million
- \$94.5 million for Public Transportation Security Assistance, a decrease of \$10.5 million
- \$90 million for Port Security Grants, a decrease of \$10 million
- \$324 million for Assistance to Firefighters Grants, a decrease of \$36 million
- \$324 million for Staffing for Adequate Fire and Emergency Response Grants, a decrease of \$36 million
- \$319.5 million for Emergency Management Performance Grants, a decrease of \$35.5 million
- \$10.8 million for Regional Catastrophic Preparedness Grants, a decrease of \$1.2 million
- \$117 million for the Emergency Food and Shelter Program; a decrease of \$13 million

The cut to the Urban Area Security Initiative impacted the funding level for the Santa Ana-Anaheim UASI. In FY23, the Santa Ana UASI received \$5.2 million and DHS announced on April 16, that for FY 2024 the funding level for region would be \$4.7 million.

Congress Kicks Off Fiscal Year 2025 Appropriations Process

At the beginning of April and with the FY24 bills behind them, Congress began in earnest its FY 2025 appropriations process. This process began with one big change. Rep. Kay Granger (R-TX) announced she was stepping down as Chair of the House Appropriations Committee. Rep. Tom Cole (R-OK) was selected as the new chair, which created a shuffling of subcommittee Chairs. Rep. Mark Amodei (R-NV) replaced Rep. David Joyce (R-OH) as the new Chair of the House Homeland Security Appropriations Subcommittee.

The OCFA worked with its Congressional delegation to submit several priority projects for their consideration including implementation of EV Infrastructure, and rehabilitation improvements at a

variety of OCFA fire stations. Final decisions on whether projects will move forward to the next step of Committee review will be announced mid-May.

We also worked closely with Reps. Kim, Tokuda & Mullin to support a programmatic funding request for Urban Search & Rescue. This effort included outreach to other members of Congress to sign on to a letter request with over a couple of dozen members doing so.

Both the House & Senate Appropriations Committees will begin mark-ups later this summer.

House Passes Fire Weather Development Act

On Monday, April 29, the House considered and passed, HR 4866, the Fire Weather Development Act by a vote of 341-48. All of OCFA's House congressional delegation voted in the affirmative.

This bill establishes several programs and requirements to address wildfire forecasting, detection, and management, particularly with respect to interagency collaboration. The bill also establishes the Interagency Coordinating Committee on Wildfires (to assist state and local agencies with wildfire management while avoiding duplication of activities) and the National Advisory Committee on Wildfires (to advise the coordinating committee and other relevant entities on wildfire management).

National Oceanic and Atmospheric Administration (NOAA) must establish a program to improve collaboration between federal, state, and local entities with respect to wildfire management. Program goals include improving communication about wildfire spread, earlier detection of wildfires, and better understanding of the impact of climate change on fire weather environments. Authorized activities include research and development of communication tools, modeling systems, and other relevant technology to help with wildfire management, as well as education and training for researchers and enhancing data sharing capabilities between agencies.

Senators Introduce Bipartisan Bill to Bolster FEMA Workforce Planning & Protect Communities from Natural Disasters

On April 24, Senators Gary Peters (D-MI), Chairman of the Homeland Security and Governmental Affairs Committee, and Bill Cassidy (R-LA) introduced bipartisan legislation directing the Federal Emergency Management Agency (FEMA) to create a plan for the agency to effectively manage its workforce so that they are well-equipped to help communities deal with natural disasters. FEMA has faced challenges deploying staff with the proper training and skills needed to best address different natural disasters across the country. This legislation would improve FEMA's employee recruitment and retention efforts, develop strategies to train and deploy their workforce in efficient ways, and utilize data to address and fix staffing gaps.

The Government Accountability Office (GAO) found that FEMA faced challenges deploying staff with the right skills and training to meet the specific needs of communities impacted by natural disasters. For example, at the height of workforce deployments in October 2017, GAO found that 54 percent of staff were serving in a capacity in which they were not formally certified according to FEMA's qualification system standards. When natural disasters hit, FEMA must ensure it has a strong workforce in place to provide reliable service.

The bipartisan Federal Emergency Mobilization Accountability (FEMA) Workforce Planning Act would require FEMA to submit a human capital operating plan to Congress one year after enactment and every three years thereafter. The plan must include specific retention and recruitment goals, strategies to train and deploy the workforce, and analysis of the current workforce, including gaps that need to be addressed. Additionally, the bill would require GAO to audit the plan within six months of submission to analyze whether it meets the requirements set in law, and, if not, offer recommendations to ensure subsequent plans do.

Administration

EPA Releases Final Rule on CERCLA Designation of PFOA and PFOS

On April 19, the Environmental Protection Agency (EPA) released a final rule designating Perfluorooctanoic Acid (PFOA) and Perfluorooctane sulfonic Acid (PFOS) as “hazardous substances” under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Commonly known as the Superfund, CERCLA is intended to hold known polluters accountable. After making this designation, the EPA can force responsible parties to either clean up contaminated sites themselves or fully reimburse the EPA for remediation. The EPA is using its discretion on this matter and says that it will not pursue entities like local fire departments, where equitable factors do not support seeking response actions.

Both PFOA and PFOS are known as “forever chemicals.” In recent years, the public’s focus on forever chemicals has increased. This legislative response has therefore been long anticipated. The EPA has flexibility as to how, where, and when they enforce these regulations, and they recognize the role local fire departments play in protecting their community. It is because of this recognition that, in its April 19 memo on “[PFAS Enforcement Discretion and Settlement Policy Under CERCLA](#),” the EPA stated: “State or municipal airports and local fire departments provide a public service by preparing for and suppressing fire emergencies and protecting public safety. They do not manufacture PFAS nor use PFAS as part of an industrial process. Many airports and fire departments, however, store and use aqueous film forming foam (AFFF), [a] fire-fighting foam that may contain PFAS. Many airports have been required by Federal Aviation Administration regulations to maintain adequate amounts of AFFF to address fire emergencies. State or municipal airports and local fire departments have also used AFFF during fire emergencies and training exercises.”

H&K full report can be found here: [EPA Designates 2 PFAS Compounds as Hazardous Substances | Insights | Holland & Knight \(hklaw.com\)](#)