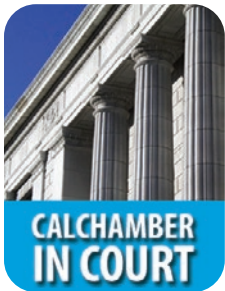


# ALERT

## CalChamber in Court

### Chambers Ask High Court: Help Homeless Crisis Fight



The California Chamber of Commerce has joined the U.S., Arizona and Montana chambers, and Oregon Business and Industry in asking the U.S. Supreme Court to reverse a

Ninth Circuit Court of Appeals decision that will otherwise prevent local leaders from addressing the needs of the unhoused and hurt businesses and their communities.

“Many of the collateral impacts of the homelessness crisis fall on local businesses,” the chambers point out in their [friend-of-the-court brief](#) filed this week. The case is *City of Grants Pass, Oregon v. Gloria Johnson, et al.*

Governor Gavin Newsom also filed a brief asking the U.S. Supreme Court to [hear the case](#).

#### Background

In 2019, the Ninth Circuit held that enforcing criminal restrictions on public camping violates the cruel and unusual punishment clause of the Eighth Amend-

ment unless the target of enforcement has access to adequate temporary shelter. That ruling in *Martin v. City of Boise* resulted in cities throughout the Ninth Circuit finding themselves handcuffed when attempting to ameliorate the homelessness crisis.

Despite business owners’ efforts to improve the lives and well-being of their unhoused neighbors, businesses throughout the circuit bear the brunt of local governments’ inability to respond to the public health issues and criminal activity associated with burgeoning homeless encampments.

Employers have difficulty attracting and retaining employees, who have health and safety concerns about working near homeless encampments. Customers forgo patronizing businesses in such areas and business owners in once-vibrant commercial districts have faced the difficult choice of operating in dangerous conditions or shutting down.

In 2023, the Ninth Circuit extended its previous ruling to prevent enforcement of even generally applicable camping ordinances in the case of *Johnson v. City of Grants Pass*.

*See Chambers Ask: Page 3*

### International Women’s Day: March 8



The timing of Women’s History Month traces its roots to International Women’s Day, March 8, marked each year as a day to celebrate globally the achievements of women and promote gender equality and women’s rights.

The first International Women’s Day gathering in 1911 was supported by more than a million people in four European nations.

Today, as the International Women’s Day (IWD) website declares, “IWD belongs to all groups collectively everywhere. IWD is not country, group or organization specific.”

The UN Women, the United Nations Entity for Gender Equality and the Empowerment of Women, planned events for International Women’s Day this year centered on the theme “Invest in Women. Accelerate Progress.”

Learn more about the history of the day by visiting the [timeline](#) on the International Women’s Day website.

Read about women members of the CalChamber Board of Directors running some of the state’s top businesses and making history in the process on the [CalChamber website](#).

## Election Follow-up in Next Edition of Alert



#### Inside

Cal/OSHA Model Workplace Violence Prevention Plan: Page 3

*Cal/OSHA Corner***Emergency Temp Rule Aims to Protect Workers Handling Artificial Stone**

**Mel Davis**  
Workplace Safety  
Expert

*What is Cal/OSHA doing for workers who deal with manufactured artificial stone?*

On December 14, 2023, the Occupational Safety and Health Standards Board adopted an Emergency Temporary Standard (ETS) for Section 5204 of the General Industry Safety Orders (GISO) relating to respirable crystalline silica (RCS). This regulation went into effect on December 29, 2023.

GISO Section 5204 originally was developed using medical information and case histories of employees who contracted silicosis in traditional industries such as mining, quarrying, and sandblasting where natural rock was the contributing factor.

With the introduction of manufactured artificial stone, Section 5204 is not well-suited for application to small businesses and working conditions of the stone fabrication industry.

Natural stone may have up to 43% silica, whereas manufactured artificial stone contains approximately 93% crystalline silica, in addition to adhesives and other additives.

Section 5204, as written before the present revision and adoption of the ETS, did not have the provisions necessary to prevent or mitigate a serious, rapid increase in silicosis cases. As a result,

the incidence of silicosis within the stone fabrication industry is well past a statistical normal.

Cal/OSHA reports that from July 2023 to November 2023, known cases of silicosis increased from 52 to 93. The requirements of existing Section 5204 were not adequate to provide a safe working environment. Important revisions will protect workers engaged in high-exposure trigger tasks — such as cutting, grinding, polishing, clean-up, etc. — involving artificial stone and natural stone containing more than 10% crystalline silica.

**Exceptions**

As stated earlier, the regulation addresses the manufacture or fabrication of artificial stone. It does not apply to:

- Construction work covered under Section 1532.3.

*See Emergency: Page 6*

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**Labor and Employment**

Under the Influence: Drugs and Alcohol at Work. CalChamber. March 21, Online. (800) 331-8877.

HR Boot Camp. CalChamber. March 28–29, Online. (800) 331-8877.

Leaves of Absence. CalChamber. April 11–12, May 30–31, Online. (800) 331-8877.

**International Trade**

Journey to Panama. San Diego Diplomacy Council. April 1–5, Panama. (619) 291-8105.

The Madrid Energy Conference 2024. Institute of the Americas and IPD Latin America. April 9–11, Madrid, Spain. (858) 453-5560.

Partnering for Prosperity: Canada-U.S. Economic Security. Consulate General of Canada, San Francisco, and CalChamber. April 17, Sacramento. [xochitl.bartolome@calchamber.com](mailto:xochitl.bartolome@calchamber.com).

California Pavilion at Hannover Messe. Governor's Office of Business and Economic Development (GO-Biz). April 22–26, Hannover, Germany. [patricia.utterback@gobiz.ca.gov](mailto:patricia.utterback@gobiz.ca.gov).

World Trade Week Southern Califor-

nia. Los Angeles Area Chamber of Commerce. May 1, Long Beach.

[chluna@lachamber.com](mailto:chluna@lachamber.com)

WCF Americas Summit. International Chamber of Commerce (ICC) World Chambers Federation. May 8–10, Bogotá, Colombia.

Annual Export Conference. National Association of District Export Councils. May 13–14, Washington, D.C.

Trade Winds – Europe. GO-Biz and U.S. Commercial Service. May 13–15, Istanbul, Turkey. Optional: May 9–10, Denmark or Romania; May 16–17, Poland or Italy. Register interest. [patricia.utterback@gobiz.ca.gov](mailto:patricia.utterback@gobiz.ca.gov).

Indo-Pacific Business Forum. U.S. Trade and Development Agency and Government of the Philippines. May 20, Livestream and Manila, Philippines. (703) 875-4357.

EXIM 2024 Annual Conference. Export-Import Bank of the United States. June 6–7, Washington, D.C. [registrar@cmpinc.net](mailto:registrar@cmpinc.net).

Farnborough International Air Show: California Pavilion. GO-Biz. July 18–22, Farnborough, United Kingdom. [patricia.utterback@gobiz.ca.gov](mailto:patricia.utterback@gobiz.ca.gov).

## Cal/OSHA Releases Model Workplace Violence Prevention Plan



This week, Cal/OSHA finally released its much-anticipated model workplace

violence prevention plan.

Since the passage of last year's landmark workplace violence prevention law — **SB 553 (Cortese; D-San Jose)** — employers across California have been struggling to make sense of its complicated provisions before the July 1, 2024 effective date.

Because of the complexity and novelty of SB 553's requirements, many employers (particularly smaller employers) have been awaiting model documents from Cal/OSHA to help employers in preparing their materials.

Most significantly, employers have been waiting on Cal/OSHA's model workplace violence prevention plan, which staff had been indicating an intention to release since late 2023, but no such release had occurred until this week.

### Background

A little background on SB 553 and workplace violence is key to understanding the task in front of California's employers in complying with SB 553.

Until SB 553 was passed in 2023,

the only employers who were subject to a workplace violence regulation were hospitals, who were covered by their own, industry-specific workplace violence rule. That regulation (Title 8, California Code of Regulations, Section 3342) requires hospitals to, among other obligations, create a workplace violence prevention plan, analyze their workplace for potential workplace violence hazards, implement changes to their workplace to address those hazards, train employees on workplace violence issues and procedures, and implement a recordkeeping structure around workplace violence events.

Notably, the vagueness and reach of Section 3342's requirements compelled hospitals across California to spend considerable sums to remodel their internal spaces and install additional safety measures, including installing additional cameras, installing or providing additional panic buttons to staff, adjusting layouts, and more.

Given the significant differences between hospitals and other workplaces in California which are covered by SB 553 — ranging from open-field agricultural workplaces to private manufacturing plants — employers have struggled to apply the provisions of SB 553 (many of which are similar to the hospital regulations' provisions) to their own, very different workplaces.

As a result, California employers (and their attorneys) have been waiting for Cal/OSHA to provide a workable example so that they can be prepared for July 1.

### Model Plan

On March 5, Cal/OSHA finally released its much-anticipated model workplace violence prevention plan, giving employers just a few months to review it with counsel, modify it for their workplace, and implement it, including providing training to their workforces.

Employers should be careful, however, not to simply copy Cal/OSHA's model plan, because Cal/OSHA's model plan is not sufficient to meet employers' obligations under SB 553. The model plan has numerous "fill in the blank" sections and will thus require employers to work with counsel to ensure they are using it correctly and that their plan fits their workplace realities and is in compliance with SB 553.

Cal/OSHA's model plan is available among their website publications, along with supporting documents, including fact sheets for employers and workers, and agriculture-specific fact sheets.

All these documents are available under the Workplace Violence Prevention heading at <https://www.dir.ca.gov/dosh/PubOrder.asp#WVP>.

**Staff Contact: Robert Moutrie**

## Chambers Ask US High Court to Help Locals Battle Homeless Crisis

From Page 1

### Impact on Business

The chambers' brief points out that:

- California accounts for 28% of unhoused individuals in the United States and 49% of all unsheltered people in the country.

- Homeless encampments deter customers from patronizing and employees from working at businesses.

- Violence, theft, drug use and other crimes associated with encampments adversely affect businesses.

- Homeless encampments cause public health hazards that make it difficult for businesses to thrive.

The chambers argue that local governments need "leeway to apply sensible policies" to address the homelessness crisis and its collateral effects.

"The high rate of unsheltered homelessness in the Ninth Circuit, and local leaders' inability to apply sensible policies to address the crisis, has created a perfect storm for the business community," the brief states.

Citing numerous news reports of the work local businesses are doing to help their communities and the difficulties those businesses face, the brief comments: "The cumulative effect of violent crime, theft, and drug use connected to homeless encampments is devastating to businesses, especially to small businesses still recovering from the effects of the shutdowns during the pandemic."

The numerous amicus briefs filed in support of the U.S. Supreme Court review of the case provide further evidence of the effects of the homelessness crisis on businesses throughout the

Ninth Circuit, the chambers' brief states.

As shown by those briefs, businesses, large and small, are doing their part to support their homeless neighbors and stand ready to partner with local leaders to assist with solutions that provide relief to both the homeless and the business community.

"But businesses cannot solve the problem alone," the chambers' brief comments. "State and local governments, must be empowered to tackle the homelessness crisis through sensible policies that protect the economic vibrancy of their communities."

The U.S. high court's intervention is needed "to prevent further damage to businesses and the economic vitality of communities throughout the Ninth Circuit," the brief declares.

**Staff Contact: Nicole Wasylikiw**



# U.S. Trade Representative Releases President Biden's Trade Policy Agenda



The Office of the United States Trade Representative (USTR) released President Joe Biden's 2024 Trade Policy Agenda and 2023 Annual Report to

Congress on March 1.

The report details the USTR's work to advance President Biden's trade agenda, which stands up for workers' rights and sustainable trade practices; supports U.S. farmers, ranchers, fishers and food manufacturers; bolsters supply chain resilience; addresses unfair policies and practices; and advances inclusive, durable trade policy through expanded engagement.

"Trade is an integral part of our administration's vision to fundamentally shift our economic policies to focus on strengthening our middle class and working communities," said Ambassador Katherine Tai. "The 2024 Trade Policy Agenda and 2023 Annual Report include key accomplishments and priorities to realize this vision. We are creating new and innovative trade arrangements with our allies and partners, enforcing existing ones, and bringing more diverse voices to the table — to drive inclusive economic growth for more people across our society."

## Trade Negotiations

The report states that the USTR is implementing the Biden-Harris adminis-

tration's economic vision by negotiating historic trade arrangements with U.S. allies and partners:

- **U.S.-Taiwan 21st Century Trade Initiative.** In June 2023, the United States and Taiwan, under the auspices of the American Institute in Taiwan (AIT) and the Taipei Economic and Cultural Representative Office in the United States (TECRO), signed the first agreement under the initiative, which includes high-standard commitments and economically meaningful outcomes in a number of areas. The United States and Taiwan, under the auspices of AIT and TECRO, will continue negotiating a second agreement covering other economically significant areas.

- **U.S.-Kenya Strategic Trade and Investment Partnership.** Since launching negotiations in July 2022, the United States and Kenya are continuing discussions on high-standard commitments in a wide range of areas with a view to increasing investment; promoting sustainable and inclusive economic growth; benefiting workers, consumers, and businesses (including micro-, small, and medium-sized enterprises (MSMEs)); and supporting African regional economic integration.

- **The Indo-Pacific Economic Framework (IPEF) for Prosperity.** The United States and IPEF partners have made considerable and substantial progress on several chapters of the Trade Pillar. The USTR is fully committed

to continuing this work to advance the shared vision for a high-standard agreement under the Trade Pillar.

- **Americas Partnership for Economic Prosperity.** The United States is working with other founding members to enhance economic cooperation in our hemisphere and drive inclusive, people-centered economic growth. Building on the Leaders' Summit of the Americas Partnership in November 2023, the USTR is working closely with partners to establish a Council on Trade and Competitiveness, which will meet regularly to implement the guidance on trade matters in the [East Room Declaration of the Leaders of the Americas Partnership](#).

## U.S.-Mexico-Canada

The report goes on to say that through the United States-Mexico-Canada Agreement (USMCA), the USTR is empowering workers and defending the interests of U.S. energy and agricultural producers.

This includes using the USMCA's Rapid Response Mechanism to bring tangible benefits to workers, including higher wages, safer working conditions, and reinstatement and backpay to those who were terminated for participating in union activity.

In line with the Biden-Harris administration's goal of creating economic prosperity for all, the USTR is taking steps to promote equitable, inclusive and durable trade policy, according to the report.

**Staff Contact: [Susanne T. Stirling](#)**



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# California Approves \$1.9 Billion EV Infrastructure Investment Plan



Last month, the California Energy Commission (CEC) approved a \$1.9 billion

investment plan that will accelerate progress on the state's electric vehicle (EV) charging and hydrogen refueling goals.

The plan details how the CEC's Clean Transportation Program will spend \$1.9 billion in state funding over the next four years, with at least 50% targeted to benefit priority populations.

The funding is part of the \$48 billion California Climate Commitment, which includes more than \$10 billion for zero-emission vehicles (ZEV) and ZEV infrastructure. The state also has received billions from the Biden-Harris administration for clean transportation.

According to the CEC, the \$1.9 billion in funding will result in 40,000 new chargers statewide. Combined with previous investment plans, funding from the federal government, utilities and other programs, the state expects to reach 250,000 chargers in the next few years. This is in addition to private installations and home chargers.

"We need to make sure that this is zero emission refueling infrastructure for everybody," said CEC's Lead Commissioner for Transportation Patty Monahan. "By investing a bulk of funds to benefit low-income and disadvantaged communities, the state is making sure communities most in need have better access to chargers and less pollution from trucks and buses."

The funds will become available over the next four years and be distributed to projects through competitive grants. Projects include direct incentive and rebate

programs for businesses, nonprofit organizations, tribes and public agencies.

## Clean Transportation Program

First created in 2007, the Clean Transportation Program is one of the first transportation-focused funding efforts established to help advance the state's climate change policies. To date, \$1.8 billion has been invested in projects supporting ZEV infrastructure, alternative fuels and advanced vehicle technologies.

- **Community Benefits:** Awarded 59% of funding in disadvantaged or low-income communities.

- **Chargers Installed:** Installed or planned nearly 24,500 EV chargers.

- **Hydrogen Stations Opened:** Allocated funding for 96 public hydrogen fueling stations, [61 are open today](#).

- **Car Charging Incentives:** Created the [California Electric Vehicle Infrastructure Project](#) to provide streamlined incentives for EV chargers.

- **Truck and Bus Incentives:** Awarded [\\$100 million to 120 projects](#) for truck and bus charging and refueling through the Energy Infrastructure Incentives for Zero-Emission Commercial Vehicles Project.

- **Zero-Emission School Buses:** Provided funding to [California public school districts](#) for electric school bus charging.

- **Manufacturing:** Funded 40 ZEV and ZEV-related [manufacturing projects](#) that support in-state economic growth.

- **Job Training:** Provided workforce training for more than 32,000 trainees and trainers, helping prepare workers for the clean transportation economy.

## EV Infrastructure Assessment

The CEC also approved the second [Assembly Bill 2127 Electric Vehicle](#)

[Charging Infrastructure Assessment](#) in February. The assessment projects how much publicly available charging infrastructure is needed to meet demand.

Results show:

In 2030:

- 7.1 million EVs need 1 million chargers.

- 155,000 electric trucks and buses need 114,500 chargers.

In 2035:

- 15.2 million EVs need 2.1 million chargers.

- 377,000 electric trucks and buses need 264,000 chargers.

Last year, Governor Gavin Newsom signed a bill extending the program and providing a dedicated source of funding for ZEV infrastructure through 2035.

To improve the EV charging experience, the CEC is developing first-in-the-world state regulations for charger reliability and reporting. A stringent performance standard will apply to all new publicly funded infrastructure and the chargers will be required to disclose operational data to help drivers make more informed choices.

## California's ZEV Market

In 2023, 25% of new cars sold in California were zero-emission. The state surpassed both its zero-emission [truck sales](#) and [vehicle sales](#) goals two years ahead of schedule and surpassed its [10,000 fast EV chargers goal](#) more than a year ahead of schedule, according to the Governor's office.

The success of the state's programs has led to ZEVs becoming a [top export](#) and has spurred major advances in [manufacturing](#) and job creation, according to reports from the Governor's Office of Business and Economic Development and the CEC.

## Emergency Temp Rule Aims to Protect Workers Handling Artificial Stone

From Page 2

- Agricultural operations covered under Section 3436.
- Exposures that result from the processing of sorptive clays.

### Recommended Precautions

The regulation requires that dust control be implemented and recommends methods to accomplish the desired result:

- Apply continuous, appropriate volumes of water.
- Submerge the work under water.
- Water jet cutting.

The emergency rule also calls for workers to perform designated tasks in clearly identified areas. Employers must post warning signs, printed in both English and Spanish.

Employers also should ensure cleaning is performed using methods that prevent dust from developing.

### Written Plan

The written exposure control plan is to include:

- Air monitoring records showing that engineering controls are effective.
- Procedures for the proper use of personal protective equipment.
- Documentation of proper reporting of carcinogen use to Cal/OSHA as required by Section 3203.

• Training procedures to ensure employees can prevent RCS exposures.

The emergency rule stresses communication and training requirements for employees with emphasis on the following:

• How to use the required dust control methods, including work practices and respirator protection to prevent dust exposures.

• The health hazards and symptoms of excessive RCS airborne exposures, such as cough, difficulty breathing, fatigue, shortness of breath, weakness, fever, chest pain, or unexpected weight loss — including how crystalline silica dust can worsen the effects of smoking and tuberculosis.

• Employees are encouraged to seek medical attention if they think they are experiencing RCS airborne exposure-related symptoms. Early diagnosis and treatment is important.

### Respirators/Monitoring

Respirator protection as required by Section 5144 will be exercised and organic vapor cartridges will be used unless the employer can demonstrate there is no exposure to organic compounds from the artificial stone that exceeds the permissive exposure limit.

A loose-fitting powered air-purifying

respirator (PAPR), nonpowered full-facepiece air-purifying respirator, or an equally protective alternative may be permitted if the employer demonstrates exposures are below the action level through air monitoring every six months or otherwise recommended by a health care professional.

The employer is to conduct employee airborne exposure monitoring at least every 12 months.

### More Information

To see the complete revision, go to <https://www.dir.ca.gov/dosh/respiratory-silica-FAQ.html>. Included on this page are links to Cal/OSHA fact sheets for employers and employees, and a model written silica exposure control plan for general industry.

To see the final approved text of the emergency temporary regulation, visit <https://www.dir.ca.gov/OSHSB/documents/Respirable-Crystalline-Silica-Emergency-apprvdtxt.pdf>.

*Column based on questions asked by callers on the Labor Law Helpline, a service to California Chamber of Commerce preferred members and above. For expert explanations of labor laws and Cal/OSHA regulations, not legal counsel for specific situations, call (800) 348-2262 or submit your question at [www.hrcalifornia.com](http://www.hrcalifornia.com).*



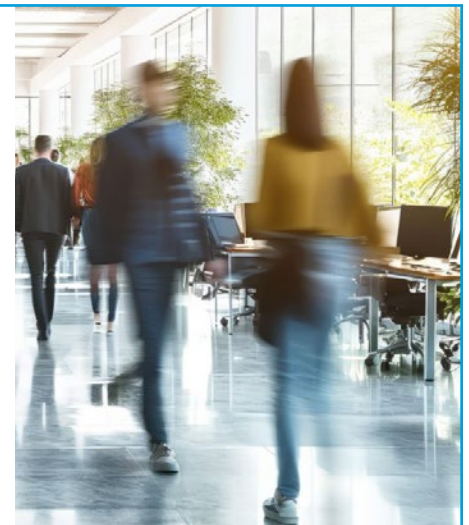
WEBINAR | MARCH 21, 2024 | 10 AM - 11:30 AM PT

## Under the Influence: Drugs and Alcohol at Work

California law authorizes employers to implement and enforce a drug- and alcohol-free workplace, but it also imposes limitations. Join our compliance experts for guidelines to help you confidently and legally protect your workplace from drug and alcohol use.

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