

ALERT

No-Growth Job Killer Dies

CalChamber-Opposed Water Bills Stopped



A **job killer** proposal to place no-growth language in the state Constitution that will in effect stop development has been stopped for the year.

In addition, two CalChamber-opposed proposals that would have affected water infrastructure also have been stopped.

Job Killer Stopped

The CalChamber and a coalition of groups strongly opposed **ACA 16 (Bryan; D-Los Angeles)** because it had far-reaching negative consequences that would have impaired government operations, stunted development of new housing, infrastructure and clean energy projects, and had the strong potential to destabilize California's economy.

Measures similar to ACA 16 have led to clean energy and essential transportation infrastructure being blocked in New York, Montana and Hawaii.

Besides being tagged as a job killer by the CalChamber, ACA 16 was labeled a housing killer by the California Building Industry Association and a manufacturing breaker by the California Manufacturers and Technology Association.

Job Killer Tag Removed

The CalChamber recently removed the job killer tag from **AB 2499 (Schivo; D-Chatsworth)** due to amendments

made on May 20, 2024 and June 6, 2024 applying leave to employers with 25 or more employees, limiting qualifying reasons for taking leave, and limiting the duration of time for specific qualifying reasons.

Before amendments, AB 2499 significantly expanded California's 12-week leave related to crimes and lowered the threshold of applicability to employers with just five employees.

Opposed Bills Stopped

The following two CalChamber-opposed bills are dead for the year:

- **AB 2079 (Bennett; D-Ventura):** Prevented installation of new or replacement groundwater wells throughout much of the state. Circumvented the local control component of the Sustainable Groundwater Management Act (SGMA) by creating statewide stringent requirements on wells rather than empowering locally informed solutions to groundwater sustainability. AB 2079 failed to pass the Senate Natural Resources and Water Committee on a vote of 5-6 on June 11.

- **AB 1337 (Wicks; D-Oakland):** Gave broad authority to State Water Board to curtail water rights of any seniority or claim of right. Allowed curtailments to issue without a hearing, depriving water rights holders of due process. The author has agreed to continue working on the issue in the future.

CalChamber-Sponsored Family Leave Mediation Bill Continues to Move



Legislation **sponsored** by the California Chamber of Commerce to make permanent the small employer family leave mediation program continues to move.

SUPPORT

ues to move.

AB 2011 (Bauer-Kahan; D-Orinda), also supported by a coalition of employer groups and local chambers of commerce, passed the Senate Labor, Public Employment and Retirement Committee this week with unanimous support.

AB 2011 will make the Civil Rights Department small employer family leave mediation program permanent, benefiting both workers and small employers.

In 2020, SB 1383 (Jackson; D-Santa Barbara) expanded the family leave requirements under the California Family Rights Act (CFRA). Beginning January 1, 2021, CFRA went from applying to employers with 50 or more employees to small employers with just five or more employees. SB 1383 also expanded the family members for which an employee could take leave under CFRA to provide care.

The regulations governing CFRA are lengthy and complex. Small employers do not have the means to hire human resources professionals or counsel to

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*Labor Law Corner***Summer Job for Minors: State, Federal Laws Outline Requirements**

David Leporiere
Employment Law
Expert

My company is thinking about hiring a 16-year-old for the summer. The job duties include lifting objects weighing more than 25 pounds, taking orders, operating a cash register, and driving a company vehicle to deliver goods to our customers. Is there anything that prevents us from offering the job to this individual?

Unfortunately, yes — unless you modify the job duties. The federal government and state of California prohibit 16- and 17-year-old employees from performing certain “hazardous” types of work.

One of the types of “hazardous” work prohibited by the government for a 16-year-old is driving a motor vehicle.

If driving the company vehicle can be separated from the other duties of the position, you still may be able to offer the modified post to the 16-year old, thereby providing an opportunity for them to gain on-the-job experience.

State/Federal Requirements

Both state and federal law restrict the type of work that minors can perform for businesses. The younger the potential employee, the greater the restrictions. For minors, 16- and 17-year-old employees have the least amount of restrictions, but the government does require additional protections and places added restrictions on tasks these employees may perform.

Examples of “hazardous” work that state and federal law forbid 16- and 17-year-old employees from doing include using power-driven woodworking

machines; power-driven circular saws, band saws, and guillotine shears; power-driven hoisting apparatuses (including forklifts); and power-driven paper products machines.

Requirements Chart

The California Division of Labor Standards Enforcement has published a chart that summarizes the requirements an employee and employer must meet so the minor may work, the hours that a minor may work, and the types of work restrictions imposed upon minors while working for an employer.

This form summarizes the rules and regulations based upon the age of the minor, and is extremely helpful. The chart also lists exemptions to the requirements. You can find it at <https://www.dir.ca.gov/dlse/MinorsSummaryCharts.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.

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Alert (ISSN 0882-0929) is published weekly during legislative session with exceptions by California Chamber of Commerce, 1215 K Street, Suite 1400, Sacramento, CA 95814-3918. Subscription price is \$50 paid through membership dues.

Send email address changes to alert@calchamber.com. Publisher: Jennifer Barrera. Executive Editor: Ann Amioka. Art Director: Neil Ishikawa. Capitol Correspondent: Sara Proffitt.

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CalChamber-Sponsored Seminars/Trade Shows

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Labor and Employment

Wage & Hour Essentials: Exempt Employee Requirements. CalChamber. June 20, Online. (800) 331-8877.

It's Getting Hot in Here: California's New Indoor Workplace Heat Illness Standards. CalChamber. June 23, Online. (800) 331-8877.

Leaves of Absence. CalChamber. August 8–9, Online. (800) 331-8877.

HR Boot Camp. CalChamber. August 22–23, Online. (800) 331-8877.

International Trade

12th U.S.-Japan Hi-Tech Industrialization Forum. National Institute of Informatics (NII) and Vision X Foundation. June 18, Online and San Jose.

10th SelectUSA Investment Summit. U.S. Department of Commerce. June 23–26, National Harbor, Maryland.

[Apply to attend.](#)

Semicon West 2024 — The Premier

Microelectronics Event. SEMI. July 9–11, San Francisco. (985) 240-5511.

Farnborough International Air Show: California Pavilion. Governor's Office of Business and Economic Development (GO-Biz), July 18–22, Farnborough, United Kingdom. patricia.utterback@gobiz.ca.gov.

15th Annual California Mexico Advocacy Day. CalChamber and Consulate General of Mexico in Sacramento. August 7, Sacramento. intlevents@calchamber.com.

2024 Green Expo: California Pavilion. GO-Biz. September 3–5, Mexico City. Diana.Dominguez@gobiz.ca.gov.

2024 California Pavilion @ Industrial Transformation Mexico. GO-Biz. Register interest by August 9. October 8–11, Leon, Guanajuato, Mexico. Diana.Dominguez@gobiz.ca.gov.

Japan International Aerospace Exhibition: California Pavilion. GO-Biz. October See CalChamber-Sponsored: Page 3

The Workplace

California Litigation Trends and How to Safeguard Against Them



In **Episode 198** of The Workplace podcast, CalChamber Associate General Counsel Matthew Roberts and Senior Employment Law Counsel Erika Barbara discuss litigation trends and what steps employers can take to avoid or defend against claims.

Barbara says that over the last several years, there has been a steady increase in wage-and-hour, class and Private Attorneys General Act (PAGA) actions. These cases usually are brought by a current or former employee who's seeking to represent themselves and all other employees who have worked for an employer in a certain period. They'll seek damages, as well as penalties like waiting time penalties, wage statement penalties, and PAGA penalties.

Litigation Trends

“What we started to see was these types of cases had become a kind of cottage industry for a growing number of plaintiff-side law firms,” Barbara says. “There were firms that were literally filing hundreds of class and PAGA actions every year. And many of the firms were filing cookie cutter complaints that alleged the same laundry list of claims in every case, really just changing the name of the plaintiff in each case, and sometimes even forgetting to do that.”

In addition to these types of claims, Barbara says, wage-and-hour claims were tacked on to single plaintiff cases.

What Is PAGA?

The Private Attorneys General Act is

a law that allows an individual, who is referred to as an “aggrieved employee,” to step into the shoes of the state, and sue an employer on behalf of other aggrieved employees for various Labor Code violations, and in doing so recover penalties on behalf of the state. Any penalties recovered in a PAGA case are distributed or paid out — 75% to the state and 25% to the group of aggrieved employees, Barbara says.

So why are PAGA cases attractive to plaintiff's attorneys?

One, the law provides for the recovery of attorneys' fees when a plaintiff or an aggrieved employee prevails at trial, or if the case settles. For example, if there is a settlement of a million dollars, 30% to 40% of that goes to the plaintiff's attorney for their fees right off the top. What remains gets paid out as penalties, with 75% going to the state and 25% going to all of the employees.

This incentivizes the attorneys who filed these claims, because they can recover a sizable percentage of the settlement for their attorneys' fees, Barbara says. PAGA claims are also appealing because the attorneys filing these cases will seek penalties for numerous alleged violations of the Labor Code, and then argue that those penalties should be stacked on top of each other, which will then drive up the value of the case significantly.

Audit to Ensure Compliance

Now more than ever, compliance with wage-and-hour requirements is critical, Barbara stresses.

A common claim in class PAGA actions and one that can be easy to allege is failure to provide accurate itemized wage statements. California has very specific requirements for what informa-

tion must be included in a wage statement. If any of the required information is missing, the wage statement is not compliant.

The Labor Code imposes penalties of up to \$4,000 per employee for failure to provide compliant wage statements. And these are penalties that can add up really quickly, Barbara says.

“As crazy as this may sound, cases have been filed because of what can be only minor errors with, for instance, the name of the employer on the wage statement. So, you could have the employer's name not being the actual correct legal name of the employing entity, and that's a violation,” she tells Roberts.

Employers should audit their wage-and-hour policies and practices to ensure compliance, Barbara stresses. This means reviewing the employee handbook to confirm it contains all relevant policies, ensure its compliance, and check that everything is up-to-date.

But compliant policies are only part of the equation — they don't mean anything if they aren't followed, Barbara points out.

Employers should review the actual practices in the workplace. Is the meal-and-rest period policy being followed, or are employees being allowed to disregard it and take breaks as they please?

Audits can also reveal additional practices that an employer may want to implement. For example, many California employers have begun using attestations or acknowledgments in their timekeeping systems, so that employees confirm either at the end of every day, week or pay period that the time they've entered is correct, and that they've been provided the opportunity to take all meal and rest breaks.

CalChamber-Sponsored Seminars/Trade Shows

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16–18, Tokyo, Japan. emily.desai@gobiz.ca.gov.

Africa Health. GO-Biz awarding export vouchers. October 22–24, Cape Town,

South Africa. Register interest. patricia.utterback@gobiz.ca.gov.

Cosmoprof Hong Kong. GO-Biz. Registration of interest required. November 12–14, Hong Kong, China.

Rebuild Ukraine 2024: Business in Ukraine and Poland. GO-Biz. November 12–15, Warsaw, Poland. patricia.utterback@gobiz.ca.gov.

CalChamber, Japan Business Leaders Celebrate Longtime Trade Connections



The California Chamber of Commerce and Japan business leaders

explored subjects of mutual interest this week during a working luncheon in Sacramento.

The June 12 gathering marked the 23rd annual visit between representatives from the CalChamber, the Japanese Chamber of Commerce of Northern California (JCCNC) and Japan Business Association of Southern California (JBA).

Leading the Japanese business delegation were:

- Kazuhiro Gomi, JCCNC president and president and CEO of NTT Research, Inc., the global research and development arm of NTT; and
- Akira Minamiura, JBA president and president of Kintetsu Enterprises Company of America, which owns and operates two hotels and an office building in Southern California.

Representing the CalChamber at the luncheon were Jennifer Barrera, president and CEO, and Susanne T. Stirling, senior vice president, international affairs.

Current Topics

Topics discussed at the luncheon included California-Japan business collaboration; trade and foreign direct investment; initiatives combating climate change; clean energy initiatives, especially hydrogen; worldwide taxation; small business procurement; human resources issues; and the California business climate.

Top Trading Partner

U.S.-Japan Trade

Japan was the sixth highest U.S. export partner in 2023, with total exports equaling \$76.1 billion, according to the International Trade Administration.

Top exports to Japan from the United States were chemicals (\$14.1 billion), oil and gas (\$9.5 billion), transportation equipment (\$7.9 billion), computer and electronic products (\$7.2 billion), and processed foods (\$5.9 billion).

Japan ranked fifth as a source of U.S imports; total imports were \$147.3 billion. Top imports from Japan were

partners, with exports to Japan totaling \$10.6 billion. Japan has been California's fourth ranked export partner since 2010.

The top five California exports to Japan last year were computer and electronic products (\$2 billion), transportation equipment (\$1.5 billion), processed foods (\$1.4 billion), non-electrical machinery (\$1.2 billion), and chemicals (\$996 million).

Japan also ranked fifth among California import partners, with imports totaling \$25.8 billion, making California imports 17% of total U.S imports from Japan.

The top five imports from Japan were transportation equipment (\$9 billion), non-electrical machinery (\$3.5 billion), computer and electronic products (\$3.2 billion), chemicals (\$3 billion), and electrical equipment, appliances and components. (\$2.2 billion).

In 2023, Japan was a leading source of foreign direct investment (FDI) in California through foreign-owned enterprises (FOEs). Japanese FOEs in California provided 112,673 jobs through 3,280 firms, amounting to an estimated \$12.249 billion in wages. The top jobs by sector are manufacturing, wholesale trade, retail trade, professional/business services, and financial activities. (World Trade Center Los Angeles, *Foreign Direct Investment in California*, 2024).



(Seated, from left) Daisuke Arai, Government Relations Committee vice chair, Japanese Chamber of Commerce of Northern California (JCCNC)/ Marubeni America Corporation; Kazuhiro Gomi, JCCNC Board president/ NTT Research, Inc.; Jennifer Barrera, CalChamber president and CEO; Akira Minamiura, president, Japan Business Association of Southern California (JBA)/ Kintetsu Enterprises Company of America (KEA); and Kayo Tokumaru, JBA Business and Commerce Committee chair/ Pasona NA, Inc. (Standing, from left) Keijiro (Kent) Hora, JCCNC executive director; Susanne T. Stirling, CalChamber senior vice president, international affairs; Keitaro Sugihara, JCCNC Government Relations Committee member/ Idemitsu Americas Holdings Corporation; Steven Teraoka, JCCNC Government Relations Committee member/ Teraoka & Partners LLP; Nori Sakai, CPA, JBA Business and Commerce Committee vice chair/ Majordomo Komon; and Steve Sakanashi, JBA Business and Commerce Committee member/ ABeam Consulting (USA) Ltd.

transportation equipment (\$55.5 billion), non-electrical machinery (\$28.7 billion), chemicals (\$16.7 billion), computer and electronic products (\$14.2 billion), and electrical equipment, appliances and components (\$9 billion).

U.S exports to Japan were up by 1.1% in 2023, while imports were down by 3.2%, reducing the U.S trade deficit with Japan from \$70.1 billion to \$62.7 billion.

California Trade Facts

California accounts for roughly 14% of U.S exports to Japan. In 2023, Japan ranked fourth among California export

Association Allies

- **JCCNC** was established in 1951 as a nonprofit corporation to promote business, mutual understanding and goodwill between Japan and the United States.
- **JBA**, founded in 1961, is a nonprofit organization consisting of nearly 420 Japanese corporations doing business across Southern California.

For more information on California -Japan relations, visit www.calchamber.com/japan.

Staff Contact: Susanne T. Stirling

CalChamber Offers Recommendations for Changes to California Climate Bond



The California Chamber of Commerce recently submitted recommendations for

changes to a potential general obligation bond measure being considered by the California Legislature that would finance infrastructure to mitigate and address impacts from a warmer and more volatile climate.

In its letter, the CalChamber urged investments in clean energy and water supply infrastructure to ensure California not only meets its ambitious climate goals, but also furthers economic growth. The Legislature was recommended to approve a climate bond that includes funding for:

- Water infrastructure;
- Support for hydrogen refueling infrastructure;
- Carbon capture technology; and
- Port infrastructure to support the development of offshore wind resources.

“Successful deployment of these technologies can generate tens of billions of dollars in economic activity and tens of thousands of jobs,” the CalChamber said. “Voters have recently been reluctant to pass additional spending measures absent demonstration of direct benefits to their communities and the economy. No bond measure will succeed unless voters are convinced that their economic well-being will be satisfied, along with the environmental goals.”

Water Infrastructure

The CalChamber recommended funding for the following four key items:

- **The Healthy Rivers and Landscapes Agreements.** Previously called the Voluntary Agreements, this modern approach to improving water quality, habitat, and water supply reliability in the Sacramento-San Joaquin River Delta area includes state and local water district financial contributions to habitat restoration and continuing research into the complex hydrology of the Delta. The Delta is a critical and vulnerable hinge-point for the state’s water supply, and

work done here to improve quality and reliability will benefit all of California.

- **Repairing Levees and Conveyance.**

Water conveyance and flood protection infrastructure is aging and vulnerable to catastrophic failure due to conditions like long-term subsidence. This not only creates significant reliability concerns in the event of a disaster like an earthquake, but also means more energy is required to move water through damaged canals.

- **Water Storage.** Severe drought followed by flood events shows the importance of capturing and storing water when it is available in anticipation of the dry times. Even as the state needs more storage, several reservoirs are unavailable while awaiting seismic retrofits. The bond must include funding to support both new and improved water storage, both above and below ground.

- **Drinking Water Treatment Upgrades.** Standards for drinking water safety are becoming more and more stringent in California. Meeting these high safety standards requires significant upgrades in treatment facilities, which is very expensive for water providers. The bond must include funding to help offset these costs, which will keep water rates affordable for all Californians.

Without the necessary investments, California is likely to lose up to 10% of its water supplies over the coming decades. Modernizing the state’s water infrastructure is a key component to job growth in California and is a critical requirement for the development of new housing stock, the CalChamber pointed out.

“With affordability hinging on housing costs, investing in water infrastructure today is a key step toward making life in California more affordable tomorrow. This investment helps ensure that communities will have reliable and safe drinking water supplies long into the future,” the CalChamber stressed.

Carbon Capture

Accelerated investments in Carbon Capture and Storage (CCS) will be needed for the state to meet its goal of becoming carbon neutral and to reduce its statewide emissions 85% below 1990 levels by 2045.

Larger stationary sources in California might not have access to both the Low Carbon Fuel Standard (LCFS) and 45Q tax credit and might not see any economic benefit in investing in CCS. This is because LCFS is weighed toward transportation rather than stationary sources of emission.

The Climate Bond offers an opportunity to create added incentives for investments in CCS. Investment in CCS will enable facilities to reduce emissions, likely preserving thousands of good-paying jobs and leading to the creation of thousands more, the CalChamber said.

Offshore Wind

The climate bond should also allow voters to consider investing in seaport infrastructure, which offers economic gain while advancing clean energy goals.

The state’s ambitious targets for offshore wind generation will require a massive investment in port infrastructure to serve offshore facilities. At a minimum, the Legislature should include \$1 billion for port infrastructure readiness investments in the proposed climate bond. This will signal to the offshore wind developers that the state is a willing partner in a clean energy transition that presents a path toward high-paying jobs at port infrastructure projects throughout the state.

Hydrogen

California’s proposed greenhouse gas emissions reduction targets will require a transformation of the transportation sector not seen in more than a century. Currently, California’s transportation sector accounts for about 40% of the state’s greenhouse gas emissions.

California can achieve this ambitious economy-wide decarbonization goal only by welcoming an “all-of-the-above” investment strategy that focuses on the goal of reducing emissions rather than preferring some technologies over others, the CalChamber said.

A goal-focused, technology-neutral strategy would include hydrogen refueling infrastructure, which should be a part of any climate bond, especially invest-

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California Local Minimum Wage Increases Starting July 1, 2024



Instead of the beginning of the year, several California cities and counties

implement their local minimum wage rate increases on July 1. California employers with employees working in these jurisdictions should be prepared for these new mid-year local minimum wage rates going into effect.

Effective July 1, 2024, these localities will increase their minimum wage as follows:

- **Alameda:** \$17.00 per hour;
- **Berkeley:** \$18.67 per hour;
- **Emeryville:** \$19.36 per hour;
- **Fremont:** \$17.30 per hour;
- **Los Angeles City:** \$17.28 per hour;
- **Los Angeles County (unincorporated areas):** \$17.27 per hour;

- **Malibu:** \$17.27 per hour;
- **Milpitas:** \$17.70 per hour;
- **Pasadena:** \$17.50 per hour;
- **San Francisco:** \$18.67 per hour; and
- **Santa Monica:** \$17.27 per hour.

Employers should confirm in which cities their employees work (including remote employees) to determine if any minimum wage ordinances apply. **Note:** Eligibility rules may vary based on different locations.

Review your employees' hourly wage rates and make any necessary adjustments by July 1 to comply.

Many of these local ordinances contain notice requirements. CalChamber sells required posters that are compliant with various California city and county local ordinances, including these July 1 updates. Check to see if your city or county has any required posters or required updates for July 1, and order them today!

CalChamber members and nonmembers can use the [Local Ordinances Wizard](#) to determine which local ordinances and labor law posters apply to their business or location(s), including [hotel-specific local ordinances](#).

CalChamber members can also reference *HRCalifornia's* [Local Ordinances section](#), which includes summaries of many local ordinances in Northern California and Southern California — including the following local minimum wage ordinances: [Alameda](#), [Berkeley](#), [Emeryville](#), [Fremont](#), [Los Angeles City](#), [Los Angeles County](#), [Malibu](#), [Milpitas](#), [Pasadena](#), [San Francisco](#), [Santa Monica](#) and [West Hollywood](#).

Not a member? Learn how to power your business with a [CalChamber membership](#).

Staff Contact: Vanessa M. Greene

CalChamber-Sponsored Family Leave Mediation Bill Continues to Move

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advise them on the details. The private right of action in CFRA means any mistake exposes small businesses to lawsuits that could quickly put them out of business.

To alleviate SB 1383's threat of litigation for small businesses, budget trailer bill AB 1867 of 2020 required the Department of Fair Employment and Housing (DFEH) to establish a small employer mediation pilot program. All family leave claims brought against small

employers with five to 19 employees could be sent to mediation, instead of directly to court.

In 2021, [AB 1033 \(Bauer-Kahan; D-Orinda\)](#) improved the processes within the program and AB 1949 (Low; D-Silicon Valley) added bereavement leave to the scope of the program. The program is set to sunset on January 1, 2025.

Since its inception, the program has been successful. More than half of the mediated cases have resulted in settle-

ment with hundreds of thousands of dollars going directly to workers.

The CalChamber and coalition supporting AB 2011 believe this mediation option has been an important way to protect small businesses while maintaining labor rights. The Legislature should make this program permanent and expand its scope to include reproductive loss leave, which is a new leave requirement that also applies to small businesses.

Staff Contact: Ashley Hoffman



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Running a business in California is demanding. CalChamber understands and offers ways to ease your burden. Join us to save and optimize your operations.

Join CalChamber



CalChamber Offers Recommendations for Changes to State Climate Bond

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ments targeted toward the medium duty/heavy duty sectors. Cost-effective and reliable transition of these sectors is vital to support business growth and maintain a healthy supply chain, which in turn will garner support from the broader business community, as well as from voters.

According to the California Air Resources Board (CARB) 2021 hydrogen refueling self-sufficiency analysis, dedicated resources totaling just \$300 million would bring a level of self-sufficiency to the medium-duty and heavy-duty hydrogen refueling infrastructure. This is in part because of the significant federal investments that have been made combined with private investments.

Studies have shown that for every dollar the state spends on hydrogen mobil-

ity, private investments total between \$5 and \$6.70. Those investments lend themselves to high-paying jobs as well.

The Biden administration recently announced that California is the recipient of \$1.2 billion to establish a hydrogen hub in California. This is largely because California has long been a leader in advancing innovative solutions that can advance both our economy and our environmental goals.

California's historic public-private partnership through Alliance for Renewable Clean Hydrogen Energy Systems (ARCHES) played a critical role in the Biden administration's decision in awarding California a hydrogen hub. Through this partnership, California has set forth a clear path to achieving our ambitious climate targets. Additional investments to

support California's hydrogen hub could ensure that the state is able to achieve a target of 200,000 new jobs to be created. Hydrogen represents a real opportunity to further advance California's clean energy workforce as that workforce will be needed for production, delivery, storage, and end-use solutions.

"California can achieve its ambitious climate goals with balanced approaches that attract new investment, foster job creation, and provide the foundation for continued economic growth," the CalChamber said. "Voters have consistently responded well to policy proposals that advance economic growth and ensure reliable water and energy supplies, and we encourage the Legislature to incorporate funding to support these initiatives."

Staff Contact: Ben Golombek



It's Getting Hot In Here: California's New Indoor Workplace Heat Illness Standards

Stay compliant with the new 2024 Cal/OSHA standards for indoor heat illness prevention. Join our experts on June 27 to ensure your workplace is safe and prepared.

[Register Now](#)