

Cal/OSHA Regulatory Roundup

What's Coming for Businesses in 2024–2025

The California Division of Occupational Safety and Health (Cal/OSHA) continues to shape the business realities for California employers — and the next few years promise significant regulatory changes across the breadth of California's employers. Following is a summary of what the Cal/OSHA Standards Board has done in 2024, as well as what's coming in 2025 and beyond — and how it will affect California's workplaces.

2023–24 REGULATORY CHANGES: INDOOR HEAT, LEAD REGULATIONS, WORKPLACE VIOLENCE, AND MORE

In the last legislative session, Cal/OSHA's regulatory actions touched on almost every indoor workplace in California.

- **Indoor Heat:** The long-discussed indoor heat regulation (Title 8, California Code of Regulations (CCR), Section 3296) was adopted in July 2024, creating new heat-related obligations for any indoor space where temperatures reach 82 degrees at any point. This regulation applies across industries, but caused the most difficulty in industrial spaces, warehouses, and in restaurant kitchens, where temperatures may be hard (or impossible) to fully control. Substantively, it created new obligations for temperature monitoring, creation of “cool-down areas,” and other heat-related precautions to protect employees.

- **Lead Standards:** Cal/OSHA also revised another long-pending regulatory update, California's lead regulation (Title 8, CCR Section 5198 et seq.) with significantly lower air- and blood-lead thresholds for testing and removal from the workplace.

- **Workplace Violence:** 2023's SB 553 (Cortese; D-San Jose; Chapter 289) put a workplace violence regulation into statute on a temporary basis, and compelled Cal/OSHA to conduct a subsequent rulemaking and release its draft proposal by December 2025, then vote to approve the final text by

the end of 2026. Functionally, SB 553 created a host of new and ambiguous requirements for California employers, the full scope of which won't be clear until some of its broad (and vague) obligations are contested at the Cal/OSHA Appeals Board. What is evident for now is that employers are just beginning to grapple with new obligations around workplace violence training, reorganizing their workplace environments, potentially installing new security devices, and hiring additional personnel.

- **Residential Fall Protection:** In August 2024, Cal/OSHA adopted an update to the residential fall protection regulation (Title 8 CCR Sections 1671.1, 1716.2, 1730 and 1731), which disappointed many contractors and labor advocates because it rewrote California's already-existing fall protection regulation to match the federal Occupational Safety and Health Administration's (OSHA) 2017 regulatory update.

Some states (including California) have what is called “state plan” occupational safety systems, wherein they can adopt their own regulations that differ from federal standards, so long as their standards are “at least as effective” as federal regulations. Experts on both sides of the management/labor divide believed California's standard was safer than the new federal standards, but federal officials deemed California's existing standard to be insufficient. Although the Cal/OSHA Standards Board could have disagreed with federal OSHA and litigated the matter, the Board instead chose to adopt the new federal standards (though it delayed implementation until mid-2025). Now, only time and data will tell if California's construction sites are safer (or less safe) due to these changes.

WHAT'S COMING IN 2025?

Since COVID-19, Cal/OSHA has seen a remarkable public prominence, taking on a range of high-profile issues that affect workplaces across the state, and 2025 looks like it will be no different.

- **Permanent Infectious Disease Regulation for General Industry:** With California's COVID-19-specific regulation (Title 8, CCR Section 3205) set to expire in part on February

3, 2025 (and fully on February 3, 2026), labor advocates have been pressuring Cal/OSHA to create a broader “infectious disease regulation” to apply across all sectors and cover all diseases with COVID-like provisions. Notably, only the health care industry presently has an infectious disease standard in effect, due to that industry’s obvious and unique risks (Title 8, CCR Section 5199).

Although there is no public text proposal at this time, discussions at Cal/OSHA suggest that the proposal for a “general industry” standard would apply broadly to all sectors of the economy with similar provisions to the present COVID-19 regulation. Employers are watching this one with great concern, as the burdens of the COVID-19 regulation (including recordkeeping, testing, forced “exclusion” from the workplace, and pay for that excluded time) remain fresh in employers’ minds. As of December 2024, no draft has been released — but employers should continue to watch for a draft in 2025.

- **Autonomous Tractors:** Cal/OSHA’s antiquated autonomous tractor regulation is another hot topic heading into 2025. In a world where self-driving cars can navigate San Francisco’s treacherous streets, Cal/OSHA’s autonomous tractor regulation (Title 8, CCR Section 3441) has stood as a bizarrely outdated barrier to a wider adoption of self-driving tractors. Notably, numerous other nations and states have used such technology — and have seen improvements in safety for workers. For example, autonomous tractors can minimize workers’ exposure to pesticides (by removing the operator from the sprayed area) and can apply pesticides more precisely than an operator (thereby minimizing overall usage and environmental risks).

Despite Cal/OSHA’s rejection of numerous petitions to update Section 3441 (most recently in 2018 and 2021), the tide appears to be turning. In the fall of 2024, Cal/OSHA’s staff published a memorandum that provided two

improvements for the agricultural industry: 1) it unequivocally stated that autonomous tractors are not prohibited in fields where no workers are present; and 2) it recommended an advisory committee be formed to consider updating the regulation and allowing for more usage of autonomous tractors. Although this memorandum proposes only a discussion of allowing a very limited subset of autonomous tractors, it still suggests a thawing of Cal/OSHA’s long-term inaction on this issue. With these headwinds, this area is expected to be debated vigorously in 2025.

- **First Aid Kits:** Cal/OSHA also is likely to adopt an update to the requirements for first aid kits (Title 8, CCR Section 3441) in 2025–2026 to address two issues. First, a long-running push for textual improvements from industry has led to formal rulemaking to update the description of the contents of first aid kits. Second, concerns about increasing opiate overdoses across California have led to both a legislative push (AB 1976; Haney; D-San Francisco; Chapter 689, Statutes of 2024) and a petition to the Board to add naloxone (the rapid response inhaler to delay opiate overdoses) to workplace first aid kits. Based on the regulatory and statutory timelines at issue, it appears likely that Cal/OSHA may undertake two separate votes — and will likely address the long-delayed textual update first, then address naloxone in a separate rulemaking.

CALCHAMBER POSITION

The California Chamber of Commerce supports effective workplace safety policies and believes that such policies must be based on sound science, must be clearly drafted, and must be feasible to implement. The CalChamber also believes stakeholder input, even in times of crisis, is critical to drafting effective, successful regulations. Regarding COVID-19, the CalChamber supports a managed transition away from emergency-footing workplace precautions. The CalChamber will continue to advocate for sound, effective and feasible policy at Cal/OSHA in all rulemaking processes.



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