

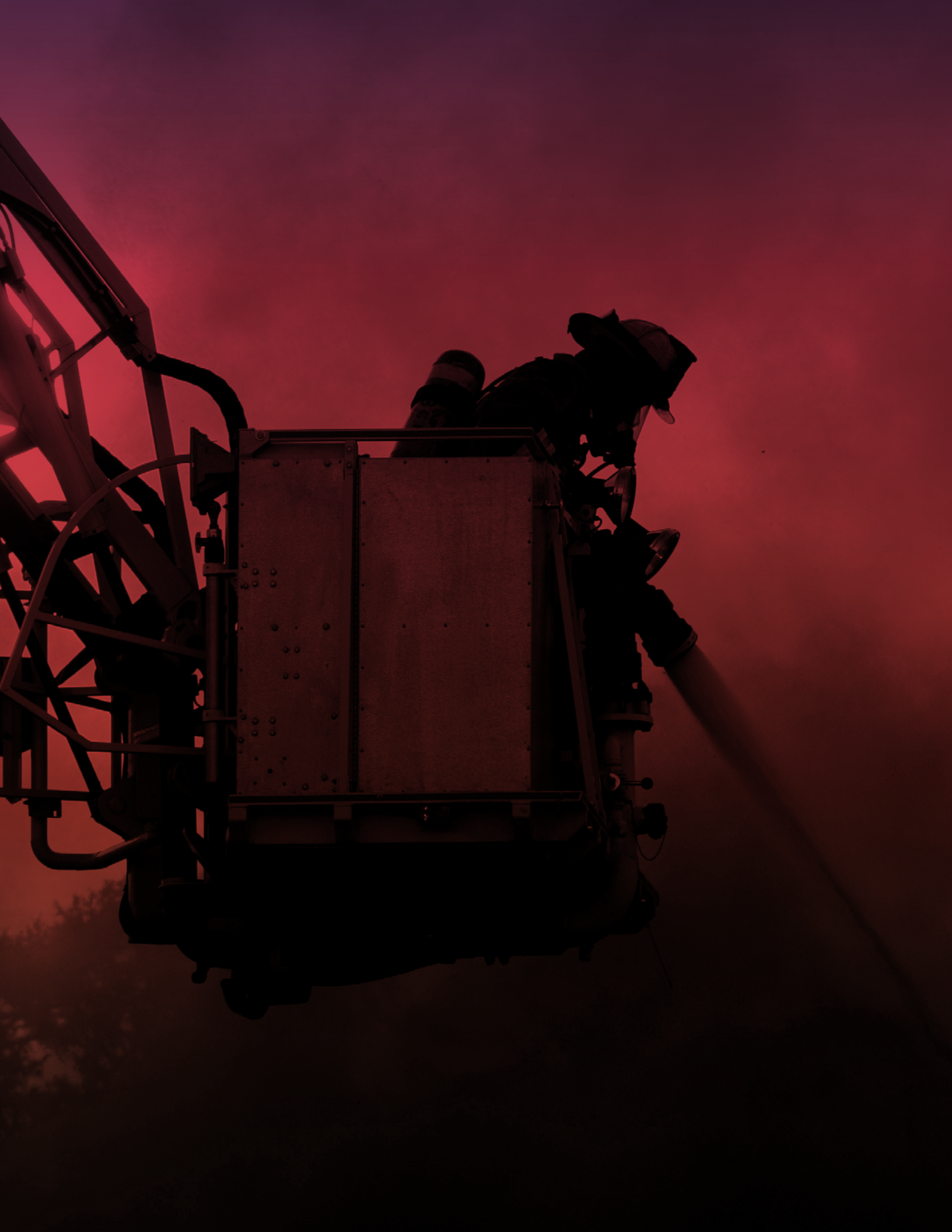


DANIEL A. TERRY
**LEGISLATIVE
CONFERENCE**



MAY 12-13, 2025

Sacramento, California





CALIFORNIA PROFESSIONAL FIREFIGHTERS

WHO WE ARE

With a membership of more than 35,000, California Professional Firefighters (CPF) is the largest statewide organization representing career firefighters and emergency medical services personnel. CPF is the California State Council for the International Association of Fire Fighters (IAFF), is affiliated with the California Labor Federation, and represents roughly 180 affiliated IAFF local unions.

CPF members work for city, county, special district, state and federal fire departments. Together, these men and women represent California's first line of defense, answering the call in fire, natural disaster and medical emergencies.

OUR MISSION

Improve the lives and working conditions of firefighters on the front lines who have made protecting the public their sworn life's calling.

AB 612 (ROGERS)

Public Safety and Road Design Elements

SPONSOR

SUMMARY

AB 612 will improve local collaboration regarding street and pedestrian safety by requiring the California Department of Transportation to update the Highway Design Manual to direct local governments to consult with their fire department when considering road design changes that could impact emergency response times.

BACKGROUND

In a life-threatening emergency, a delay in response from firefighters and paramedics can mean the difference between life and death. While technology and medical advancements have made a tremendous difference in patient care, fire and EMS personnel must still arrive on scene to provide pre-hospital care before transporting patients to the hospital for further treatment.

Methods of transportation in this state and across the nation have continued to evolve over the years to include the use of rapid buses with dedicated bus lanes, light and heavy rail, bicycle lanes and more. Cities throughout the country and here in California have undertaken various efforts to encourage alternate modes of transportation and worked to promote bike, bus, and pedestrian friendly streets. These efforts, sometimes referred to as “road diets” or “complete streets” have been implemented in San Francisco, San Diego, Los Angeles, and other California cities in an effort to encourage alternate modes of transportation and maintain traffic and pedestrian safety.

Some examples of these road design modifications include: installing traffic circles at an intersection to

“In a life-threatening emergency, a delay in response from firefighters and paramedics can mean the difference between life and death.”

reduce the speed of traffic, adding protected bike lanes with cement curbs between vehicles and bikes or reducing the number of lanes for vehicle traffic. However, in some jurisdictions major road design elements or modifications have been implemented without an understanding of how they might impact emergency response times.

It is most common for the fire department to arrive on scene first with an engine that can be around 32' long and 10' wide while a typical ladder truck can be 48' to 62' long and 10' wide. Given the size of the equipment needed to respond to emergencies in the community, things like round-a-bouts or elevated cross walks can make it more difficult to respond in a timely fashion but even more so if the responding personnel aren't aware of a potential slow down to plan for a different route.





“If major modifications are made to roads on the way to an emergency without the fire department being consulted, crews can find themselves blocked from their intended route, stuck on a road too narrow to navigate, or unable to park the engine in the most advantageous location.”

Firefighters from across the state have shared stories of encountering new road design elements for the first time while responding to a 911 call and trying to figure out the quickest and safest way to maneuver the engine, truck or ambulance to a scene.

WHY AB 612 IS NEEDED

It is crucial that fire department officials are included and consulted during the planning for any major road modifications that could potentially delay emergency response.

When fire and emergency medical personnel are called to a scene every second counts, whether it is to perform initial attack and rescue on a structure fire

or provide life saving medical care. If major modifications are made to roads on the way to an emergency without the fire department being consulted, crews can find themselves blocked from their intended route, stuck on a road too narrow to navigate, or unable to park the engine in the most advantageous location.

Improving the road safety for pedestrians and bicyclists is an important goal for every community, but these changes must be thoughtfully undertaken in order to ensure that there are not unintended and even deadly consequences.

AB 841 (PATEL)

Firefighter Health and Safety: Lithium-Ion Battery Fires

SPONSOR



SUMMARY

AB 841 directs the Office of the State Fire Marshal, in consultation with Cal-OSHA, to establish a working group to make recommendations regarding personal protective equipment used in responding to lithium-ion battery fires and strategies to mitigate post-fire health impacts on firefighters.

BACKGROUND

There has been a recent spate of incidents involving lithium-ion batteries and energy storage systems (ESS). These incidents have been increasing in frequency and severity and have resulted in widespread community impacts, severe toxic exposures, and the injuries to our members as they respond to try and mitigate the damage. It is necessary to take a critical

“The dangers of lithium-ion battery fires cannot be understated, both to the safety personnel responding to them as well as to the surrounding communities.”

look at the standards surrounding firefighter health and safety issues when responding to these fires.

The dangers of lithium-ion battery fires cannot be understated, both to the safety personnel responding to them as well as to the surrounding communities. In 2021, a firefighter sustained irreversible injuries while responding to a fire at a facility in Orange County. Tragically, they were forced to apply for a disability retirement due to the extent of their injuries, underscoring the dangers these fires present to our members. On May 15, 2024, a fire at an ESS facility in Otay Mesa burned for 8 days, releasing lethal levels of hy-

“While firefighters stand ready to respond to and attempt to contain fires involving lithium-ion batteries, more can be done to ensure that we are collectively working to mitigate risks to firefighter health and safety.”

drogen cyanide and prompting a “shelter-in-place” order for nearby residents. On January 16, 2025, a fire at one of the world’s largest ESS facilities in Moss Landing triggered evacuations and forced the closure of Highway 1. And a mere 10 days later on January 26, 2025, Long Beach firefighters responded to a structure fire involving numerous lithium-ion battery packs for vehicles, exposing the responding firefighters to toxic gasses that may have long-term effects on their health.

Firefighting is already one of the most dangerous and demanding jobs imaginable. Those who answer the call to serve their communities put their mental and physical health on the line every time they respond to an incident, risking a known range of injuries and illnesses to serve the public. Firefighters carry a 14% higher risk of dying of cancer than the general population. This risk is so great that the International Agency for Research on Cancer (IARC) has classified occupational exposure as a firefighter as a Group 1 known human carcinogen.

These cancer risks come from innumerable sources, including circadian rhythm disruption, smoke inhalation, exposure to toxic chemicals and substances, and many more. Every day on the job represents a new set of exposures to these known risks

WHY AB 841 IS NEEDED

While firefighters stand ready to respond to and attempt to contain fires involving lithium-ion batteries, more can be done to ensure that we are collectively working to mitigate risks to firefighter health and safety. Recent incidents have shown that health impacts can be catastrophic for firefighters exposed on these fires. While that direct challenge is in front of



us, it is also highly likely that long term health complications can come from repeated exposure to these incidents.

AB 841 will ensure that experts in both firefighting and worker health and safety come together to review current incidents, how current PPE protects firefighters and what should be done to increase firefighter safety.

AB 1075 (BRYAN)

Privately Contracted Fire Resources and Public Water Resources

SPONSOR

SUMMARY

AB 1075 will restrict the usage of public water sources by privately contracted fire prevention resources during an active fire incident unless it is directly approved by the incident commander of the scene.

BACKGROUND

In 2018, CPF worked closely on AB 2380 (Chapter 636, Statutes of 2018) which established regulations governing the operation and use of privately contracted private fire prevention resources on active fire incidents. This law and subsequent regulations were the result of reports of significant private resources operating on the Thomas Fire. In fact, it was reported that there were 75 private loss prevention contractors on 41 private engines assigned to the Thomas Fire.

Further, media reports noted that the equipment used is “indistinguishable” from public agency fire equipment. These privately contracted private fire prevention resources are typically hired by insurers to pretreat policyholders’ homes to help protect them during a wildfire.

Since the passage of this measure, the state established regulations under Title 19, Division 2, Chapter 1.1 which govern and control how these resources operate on an active fire incident. These regulations not only ensure the safety of these resources but also the professional firefighters operating in the area and the members of the community. In 2024, FIRESCOPE published ICS 902, which published the rules governing privately contracted private fire prevention resources for easy access and use by incident command during active fire incidents.



On January 7, 2025, several large wildfires broke out across Los Angeles County, driven by historically high winds and dry conditions. These fires expanded rapidly, moving towards populated areas and triggering mass evacuations. The two main fires, the Palisades and Eaton Fires, destroyed nearly 16,000 structures and took the lives of 28 people

WHY AB 1075 IS NEEDED

During the Palisades and Eaton Fires there were significant reports of privately contracted private fire prevention resources operating across Los Angeles County. Some of these reports indicated that they were utilizing public water systems to support their efforts.



“Privately contracted private fire prevention resources hooking up to hydrants and other public water sources could impact the ability for professional firefighters to complete their mission of protecting life and property.”

Privately contracted private fire prevention resources hooking up to hydrants and other public water sources could impact the ability for professional firefighters to complete their mission of protecting life and property. The municipal water system in Los Angeles was taxed to the extreme during the efforts to battle the fires, and the additional strain placed on it by private resources seeking to protect only the properties of the wealthy few that hired them furthered the burden.

Firefighting is a public good delivered by public agency firefighters and the public water system is designed to support the public good when firefighters are responding to an emergency.

With this in mind, it is critical that we update the existing regulations governing these resources to

prohibit the use of public water systems for privately contracted private fire prevention resources operating on an active fire incident. Updating the current law with this adjustment is critical to ensure that public water systems are maintained for California’s professional firefighters.

AB 1181 (HANEY)

Protecting Firefighters from Toxic Chemicals in PPE

SPONSOR

SUMMARY

AB 1181 would require the Occupational Safety and Health Standards Board (OSHSB) to modify the existing safety order as it relates to personal protective equipment (PPE) for firefighters to eliminate the use of perfluoroalkyl and polyfluoroalkyl substances (PFAS) and other regrettable substitutes by July 1, 2027.

BACKGROUND

PFAS are a family of synthetic chemicals that have been found to be harmful to both human health and the environment, largely because they are persistent in both the body and in nature. PFAS are released into the air, water, and soil in areas where they are stored and used and can be absorbed into the human body through inhalation, drinking water, or through contact.

“Per- and Polyfluoroalkyl Substances in New Firefighter Turnout Gear Textiles,” published by the National Institute of Standards and Technology in 2023, found measurable instances of numerous PFAS substances in the jackets and pants of firefighter PPE, and notes that “employment as a firefighter has been found to correlate with higher serum PFAS concentrations, especially for those directly engaged in firefighting activities.”

PFAS is mainly concentrated in the pants and jackets of turnouts within in the inner moisture barrier layer, found between the outer shell and the inner thermal liner of the composite material. The performance, durability, and safety standards for turnouts are governed by standards set by the National Fire Protection Association (NFPA). NFPA standards follow revision cycles to allow for regular updates, and in 2024 the NFPA updated the standards for PPE for firefighters after a significant drafting and revision process.



“Findings from a study by the CDC and NIOSH found that firefighters have higher risks of certain types of cancer than the general population, and that firefighters have a higher rate of cancer-related deaths.”

While the newly renumbered NFPA Standard 1970 modified the stringent UV light degradation resistance test to more closely align with the actual wear and usage of PPE, the updated standard did not address the overly burdensome vertical flame test. The only way for a manufacturer to meet this standard, which similarly to the prior UV light test does not reflect the actual performance needs or usage of PPE, is with the addition PFAS or other toxic flame-retardant materials.

Additionally, while the revised standard does add PFAS compounds to a list of restricted substances, the list does not fully encompass the breadth of PFAS and flame retardants, thereby allowing the usage of specific compounds that are not captured by the list.

WHY AB 1181 IS NEEDED

Cancer is one of the leading causes of death among firefighters across the country. Findings from a study by the CDC and NIOSH found that firefighters have higher risks of certain types of cancer than the general population, and that firefighters have a higher rate of cancer-related deaths.² This elevated risk comes from a number of sources, including exposure to byproducts of combustion that are known carcinogens, persistent compounds absorbed by the body, and particulate matter released by burning materials or debris.

Significant work has been done in recent years to spread awareness of these risks among the fire service and reduce unnecessary exposures to toxic materials and substances. Fire agencies throughout the country have instituted policies such as clean cabs, strict gear cleaning protocols, the use of self-contained breathing apparatus (SCBA) during overhaul, and eliminating the use of aqueous form-filming foam (AFFF) that contains PFAS. California has restricted the use of AFFF, also known as Class B firefighting foam, containing PFAS through the enactment of SB 1044 (Allen, 2020) that phases out their usage in both municipal and industrial firefighting settings in favor of safe and effective non-PFAS alternatives.

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.

Under AB 1181, CalOSHA and OSHSB will be able to evaluate the recently-adopted NFPA standard and make adjustments to the tests that better reflect the functional use of firefighter PPE. In doing so, California can ensure that harmful chemicals are not added



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to PPE for the sole purpose of passing a light, flame or liquid test that has no meaningful impact on the protection of the firefighter wearing the equipment.

The scientific community, the wider world, and the State of California have acknowledged the danger posed by PFAS and flame retardants. By working to ensure that these harmful chemicals are no longer included in firefighter turnouts, California will continue to lead the way in enhancing firefighter health and safety and protecting the men and women of the fire service.

1. Maizel AC, et al. (2023) Per- and Polyfluoroalkyl Substances in New Firefighter Turnout Gear Textiles. (National Institute of Standards and Technology, Gaithersburg, MD), NIST Technical Note (TN) NIST TN 2248. <https://doi.org/10.6028/NIST.TN.2248>

2. National Institute for Occupational Safety and Health. (2016). Findings from a study of cancer among U.S. fire fighters.

AB 1383 (MCKINNOR)

Retirement Security for Firefighters

SPONSOR

SUMMARY

AB 1383 would make targeted adjustments to State law regarding the retirement system.

This bill would: reduce the normal retirement age for public safety personnel from 57 to 55 prospectively; create a new safety plan option which would provide a 3% at 55 formula that could be collectively bargained; allow for employers to pay a portion of the employee normal cost contribution subject to collective bargaining; allow public employees to bargain prospective increases in retirement benefits within the allowable tiers; and increase the compensation cap under Government Code Section 7522.10 to align with the current Internal Revenue Service Code benefit limit.

BACKGROUND

In 2012, the state passed the Public Employee Pension Reform Act (PEPRA) which made significant changes to the retirement benefits for public employees. The policy made many changes included lowering retirement formulas, increasing the normal retirement age, limiting items subject to bargaining and making other changes.

Recent estimates from CalPERS indicate that PEPRA has generated savings to local governments of over \$4 billion in the first 10 years of implementation and is forecasted to save more than \$24 billion over the next 10 years.

Several provisions of PEPRA directly affected public safety personnel, requiring them to work longer for reduced benefits. This included raising the normal retirement age for firefighters and law enforcement officers to 57, and lowering the maximum formula to 2.7%. Additionally, when these provisions were passed and jurisdictions moved to new tiers, they were then locked into that tier with no



ability to move to a tier with stronger benefits even if both the employer and employee representatives wish to do so.

Another provision of PEPRA was to establish a new compensation cap that is different from the compensation cap for classic employees. When a public employee hits the cap, both the employer and employee stop making contributions towards the employee's retirement. With employees hitting the cap, they are less likely to promote to leadership positions or take work assignments that require unique training and dangers.

WHY AB 1383 IS NEEDED

12 years into the implementation of PEPRA it is appropriate to revisit some targeted provisions to ensure that the retirement system aligns with the demands of the occupations across government employment, including firefighters.

The promise of a safe and secure retirement has been one of the guiding lights of public service for generations. While their colleagues may earn higher salaries in the private sector, public servants rely on the guarantee of an earned and liveable retirement.

Firefighting is one of the most difficult and dangerous jobs imaginable. Those who answer the call to serve their communities put their mental and physical health on the line every time they respond to an incident, risking a known range of injuries and illnesses to serve the public. Firefighters carry a 14% higher risk of dying of cancer than the general population. This risk is so great that the International Agency for Research on Cancer (IARC) has classified occupational exposure as a firefighter as a Group 1 known human carcinogen.

These cancer risks come from innumerable sources, including circadian rhythm disruption, smoke inhalation, exposure to toxic chemicals and substances, and many more. Every day on the job represents a new set of exposures to these known risks.

“The promise of a safe and secure retirement has been one of the guiding lights of public service for generations. While their colleagues may earn higher salaries in the private sector, public servants rely on the guarantee of an earned and liveable retirement.”

Asking firefighters to work for a significantly longer period in a deadly profession for a reduced pension does not make economic sense. While changes to the pension systems that disadvantage workers are nearly always framed in financial terms such as increasing the health of the fund and reducing taxpayer costs, these costs are not fully eliminated but transferred.

Put most simply – the longer a firefighter is forced to work, the more likely it is they will develop cancer or another job-caused illness, thereby incurring significant workers’ compensation and industrial disability retirement costs. Due to minimum staffing requirements, every day that a firefighter is off the job due to a job-caused injury or illness, another member must be assigned to take their place, adding the cost of mandatory overtime to what is necessary for treatment. With these health risks in mind, the adjustments proposed

“Put most simply – the longer a firefighter is forced to work, the more likely it is they will develop cancer or another job-caused illness, thereby incurring significant workers’ compensation and industrial disability retirement costs.”

by AB 1383 will help protect firefighters by providing pathways for a dignified retirement by age 55.

Outside of health-related issues, a recent report by the National Institute on Retirement Security found that pension benefits drive significant economic activity in California, both through the direct support of jobs and their wages as well as the spending power granted to retirees by their secure retirement. This activity included \$28.4 billion in wages and salaries, \$86.9 billion in economic output, and \$16.6 billion in federal, state, and local tax revenues. This results in the “pension benefit multiplier” that means each dollar paid out in pension benefits results in \$1.27 in economic output, and the “taxpayer investment factor” that means each dollar contributed by taxpayers results in \$4.30 in economic output.

Pensions are a good investment, both for the health and security of retirees as well as for the economy of the state. Healthy pension funds are critical components in keeping the public sector competitive in its ability to attract top talent and fueling our state’s economic engine.

SB 230 (LAIRD)

Federal and Industrial Firefighter Presumptions

SPONSOR

SUMMARY

SB 230 will close the gap in workers' compensation presumption coverage that currently exists for federal firefighters as well as firefighters employed at NASA installations and airports. This measure will add definitions of these classes of firefighter to existing workers' compensation presumption statute, ensuring that all firefighters who are injured in the line of duty have access to these important protections.

BACKGROUND

Firefighters and other public safety employees work in dangerous, demanding jobs for the public good, risking their lives each day protecting their communities. The nature of their work is such that certain injuries and illnesses are more likely contracted on the job than that of other professions, oftentimes with catastrophic or deadly consequences.

It is on account of these dangers and many others that over the course of the last 40 years lawmakers have established rebuttable presumptions in the workers' compensation system to improve access to care for injured workers, allow them to more efficiently adjudicate their claims, and successfully return to the job they love. Additionally, presumptions serve to streamline these claims and reduce frictional costs within the system.

These presumptions are intended to ensure that firefighters and other public safety and essential employees who risk their lives in public service can have their claim processed expediently in order to access medical treatment for their work-caused injuries quickly and efficiently. However, while these presumptions cover municipal, county, and state

	Federal	NASA	Airport
LC 3212 Heart, hernia, pneumonia	✗	✗	✗
LC 3212.1 Cancer	✓	✓	✗
LC 3212.15 PTSI	✓	✓	✗
LC 3212.6 Tuberculosis	✗	✗	✗
LC 3212.8 Blood borne disease & MRSA	✗	✗	✗
LC 3212.85 Biochemical	✗	✗	✗
LC 3212.9 Meningitis	✗	✗	✗

“While these presumptions cover municipal, county, and state firefighters in California, they are not extended to every professional firefighter working in the state.”

firefighters in California, they are not extended to every professional firefighter working in the state. While the definitions in sections (a) of LC 3212.1 and LC 3212.15 respectively both include “Active firefighting



members of a fire department that serves a United States Department of Defense installation" and "Active firefighting members of a fire department that serves a National Aeronautics and Space Administration installation," none of the other presumptions in statute include these provisions, leaving federal firefighters and those employed at airports and NASA installations out of their coverage.

WHY SB 230 IS NEEDED

The protections provided by workers' compensation presumptions are invaluable to the firefighters that are impacted by job-caused illnesses. When diagnosed with a serious illness such as cancer or heart disease, the most important focus should be on treatment and recovery, not struggling to have a workers' compensation claim approved.

Unfortunately, not all California firefighters are extended these critical protections. Firefighters who are employed at Department of Defense installations, airports, and NASA facilities are not included in most, and in some cases, all of the Labor Code sections that establish the presumptions, leaving them vulnerable to cruel denials when they are stricken with the same illnesses as their brothers and sisters throughout the state.

The firefighters at these facilities are all-risk, and in many cases in fact perform duties that a municipal or county firefighter would not encounter on a regular basis. These may include dangerous chemical fires, interacting with heavy equipment such as airplanes or related machinery, or responding to fires involving military apparatus.

"The fact that a firefighter performs their duties at a DoD installation, or an airport should not prevent them from accessing this care, and this measure will end that inequity."

Firefighters stationed at airports have also faced extended exposures to toxic chemicals such as PFAS contained in aqueous film forming foam (AFFF) used at airports and other facilities to extinguish flammable liquid fires. While SB 1044 (Allen, 2020) banned the sale and use of AFFF containing PFAS beginning in 2022 for municipal, county, and state departments, its usage was still required by the FAA at airport facilities. A transition plan for implementing the use of non-toxic foams was not released until May 2023, resulting in several more years of exposures to cancer-causing chemicals for firefighters who do not have access to a cancer presumption.

This measure seeks to provide equity to all professional firefighters serving in California, no matter where they work. It has been widely agreed by lawmakers that rebuttable presumptions are a fair and necessary tool to ensure that injured firefighters receive the care they need for job-caused injuries, and to provide them that care in an expedient manner so that they can return to the jobs they love. The fact that a firefighter performs their duties at a DoD installation, or an airport should not prevent them from accessing this care, and this measure will end that inequity.

SB 283 (LAIRD)

Clean Energy Safety Act

SPONSOR

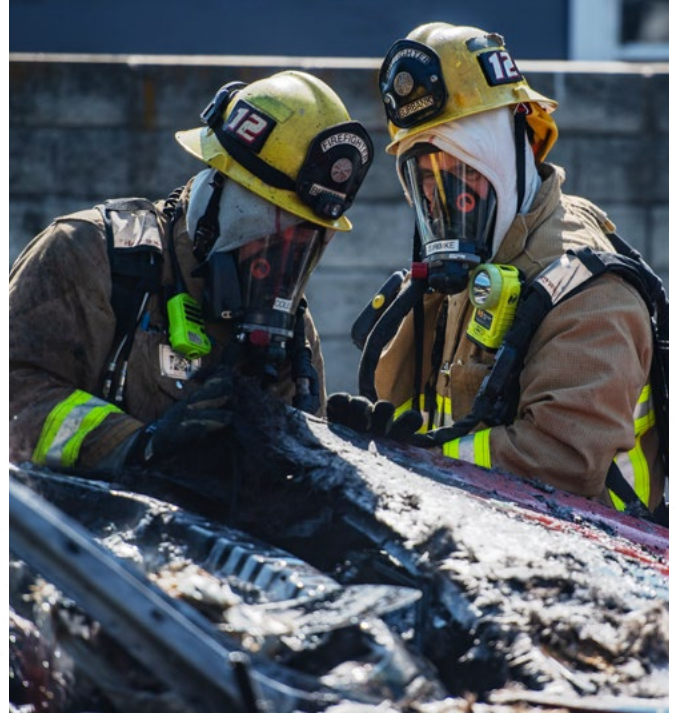
SUMMARY

SB 283 would ensure that battery energy storage systems (BESS) are constructed to the highest level of fire safety by requiring that they meet NFPA 855, the Standard for the Installation of Stationary Energy Storage Systems. Additionally, this measure would create requirements for the developer to meet with the fire department with jurisdiction over the facility, and for the fire department to complete a safety inspection before the facility begins operation.

BACKGROUND

There has been a recent spate of incidents involving lithium-ion batteries and energy storage systems (ESS). These incidents have been increasing in frequency and severity and have resulted in widespread community impacts, severe toxic exposures, and severe injuries to firefighters as they respond to try and mitigate the damage. While these facilities represent a step forward in providing clean energy for our state, the still developing nature of this technology has resulted in dangerous consequences for both the surrounding communities and the emergency responders working to keep them safe.

The dangers of lithium-ion battery fires cannot be understated, both to the safety personnel responding to them as well as to the surrounding communities. In 2021, a firefighter sustained irreversible injuries while responding to a fire at a facility storing and repairing lithium-ion batteries in Orange County. On May 15, 2024, a fire at a BESS facility in Olay Mesa burned for 8 days, releasing lethal levels of hydrogen cyanide and prompting a "shelter-in-place" order for nearby residents. On January 16, 2025, a fire at



“The volatile chemistry of lithium-ion batteries brings with it numerous dangers, including uncontrolled thermal runaway, the release of acutely toxic gasses, pollution of surrounding air and water, and poisoning from the inhalation of heavy metals.”

one of the world’s largest BESS facilities in Moss Landing triggered evacuations and forced the closure of Highway 1. And a mere 10 days later on January 26, 2025, Long Beach firefighters responded to a residential structure fire involving numerous lithium-ion battery packs for vehicles, exposing the responding firefighters to toxic gasses that may have long-term effects on their health.



The volatile chemistry of lithium-ion batteries brings with it numerous dangers, including uncontrolled thermal runaway, the release of acutely toxic gasses, pollution of surrounding air and water, and poisoning from the inhalation of heavy metals. While research into the exact composition of the byproducts of a lithium-ion battery fire are still ongoing, early studies have shown that some of the compounds released include hydrogen fluoride, acrolein, styrene, benzene, PFAS, and more.

WHY SB 283 IS NEEDED

While firefighters stand ready to respond to and attempt to contain fires involving lithium-ion batteries, more can be done to ensure that we are collectively working to mitigate risks to firefighter health and safety. Recent incidents have shown that health impacts can be catastrophic for firefighters exposed on these fires. While that direct challenge is in front of us, it is also highly likely that long term health complications can come from repeated exposure to these incidents.

“SB 283 recognizes the role that BESS facilities play in adapting our energy grid and integrating new solutions, while ensuring that these facilities are held to strict safety standards.”

Currently, BESS facilities can be permitted locally and there are no coherent guidelines for fire safety to mitigate the risks posed a fire of any scale. Additionally, there are no requirements for coordination with local fire departments or routine safety inspections, increasing the likelihood of faults or failures going unnoticed until they result in disaster.

SB 283 recognizes the role that BESS facilities play in adapting our energy grid and integrating new solutions, while ensuring that these facilities are held to strict safety standards. This measure will protect the health and safety of the firefighters who put themselves in harms' way to respond to these emergencies, as well as the surrounding communities that they serve.

SB 301 (GRAYSON)

1937 Act Retirement System Exclusions

SPONSOR



SUMMARY

SB 301 (Grayson) would ensure that County Employee Retirement System law is at parity with the Public Employee Retirement Law when it comes to efforts to exclude certain employees from a retirement contract.

BACKGROUND

The California Public Employees' Retirement System (CalPERS) administers defined benefit retirement plans for California's public employees, including state and local government firefighters. Retirements are funded by statutorily required employee contributions, employer contributions and CalPERS investment earnings made on those employer and employee contributions.

The County Employees Retirement Law of 1937 (CERL), also referred to as '37 Act, governs retirement systems for county and district employees in those counties adopting its provisions pursuant to Government Code Section 31500. Currently, twenty California counties operate retirement systems under the provisions of the 1937 Act, which sets forth the policies and regulations governing the actions of these county retirement systems.

Government Code 31557 states that "all officers and employees of the district become members of the association on the first day of the calendar month after" the governing body adopts a resolution to include the district in the retirement association. Once the county or district elects to participate in the retirement system, all employees of that county or district are eligible for membership.

“While Government Code 31557 provides clear direction regarding the eligibility for membership of those who are directly employed by the county agency, a potential loophole exists for jurisdictions that contract with a 37 Act retirement system that would allow them to pursue this unfair exclusion for select employees.”

In 2019, the city of Placentia voted to end their contract with the Orange County Fire Authority, a 37 Act agency, and establish the Placentia Fire and Life Safety Department. In the Final Draft City Proposal brought before the Placentia City Council on June 4th, 2019, the City proposed to establish “a new City department with almost fifty (50) full and part-time employees” in order to reduce costs associated with fire and emergency medical services.

In September of 2019, the City petitioned CalPERS to amend its contract to exclude from CalPERS membership all firefighters hired to work for the new department. Ordinance O-2019-10 discussed at the September 10, 2019 Placentia City Council meeting included the proposed CalPERS Amendment to the CalPERS Contract, specifying that among the “classes of employees [who] shall not become members of said Retirement System” are “firefighters employed on or after the effective date of this amendment to contract.” Currently, the firefighters employed by the Placentia Fire and Life Safety Department are the only employees of the City of Placentia that are not included in the pension plan.

In 2020, AB 2967 closed the loophole that permitted Placentia to exclude its firefighters from its CalPERS contract. While that loophole was closed, it did not address this potential outcome in County Retirement Systems.



WHY SB 301 IS NEEDED

Employees who contribute to their pensions while in public service do so with confidence in a secure retirement. Many of those employees, including firefighters and police officers, perform dangerous, demanding jobs to protect their communities, secure in the knowledge that their families will be protected by death and disability benefits.

However, while Government Code 31557 provides clear direction regarding the eligibility for membership of those who are directly employed by the county agency, a potential loophole exists for jurisdictions that contract with a 37 Act retirement system that would allow them to pursue this unfair exclusion for select employees. This would run counter to not only the intent of the CERL but also the Legislature as expressed by AB 2967 (O'Donnell, 2020) which provided the same protection in the PERL.

This measure closes an unintended loophole within the CERL to ensure that all employees are provided with a secure retirement.

SB 691 (WAHAB)

Body-Worn Cameras During Medical Treatment

SPONSOR

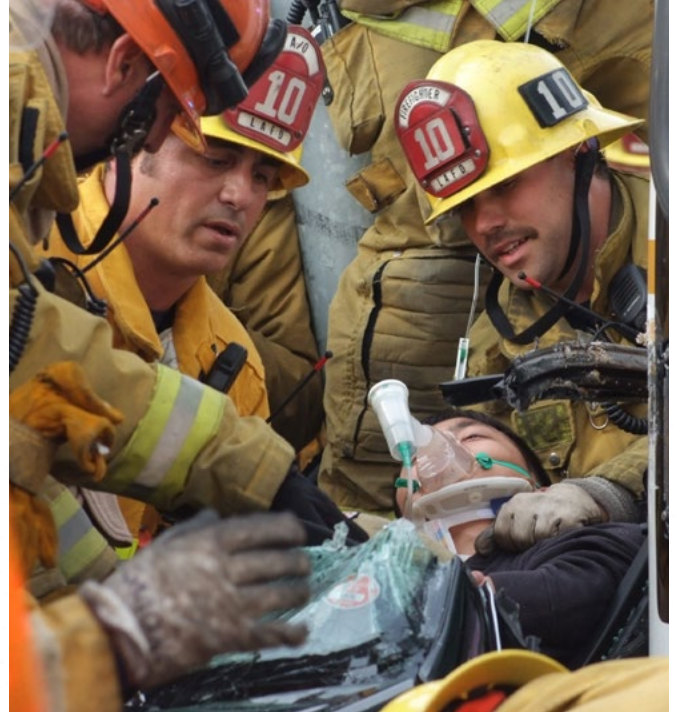
SUMMARY

SB 691 requires that law enforcement agencies establish guidance on the limitation of recording of medical or psychological evaluations and also requires that the policy includes provisions for emergency service personnel to request redactions to footage of these treatments.

BACKGROUND

The Health Insurance Portability and Accountability Act (HIPAA) protects the privacy and security of health information for all patients, and ensures that patients have ultimate rights to their health information. Generally speaking, this means that a patient's health information cannot be used for purposes not directly related to their care, and patients can directly request that their health information not be shared with specific people, groups, or companies.

Entities and individuals governed by the privacy rules of HIPAA include health plans, health care clearinghouses, and healthcare providers that conduct certain healthcare transactions electronically. Under Title XI (42 U.S.C. 1301 et seq.), Sec. 1171 defines a healthcare provider as "a provider of services..., a provider of medical or other health services..., and any other person furnishing health care services or supplies" and "health information" as "any information, whether oral or recorded in any form or medium, that is created or received by a health care provider, health plan, public health authority, employer, life insurer, school or university, or health care clearinghouse; and relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present, or



“Within HIPAA, the Privacy Rule protects private health information (PHI) of individuals, including the patient’s past, present, or future physical mental health condition, while allowing healthcare providers to share certain information necessary for treatment with other providers.”

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Within HIPAA, the Privacy Rule protects private health information (PHI) of individuals, including the patient’s past, present, or future physical mental health



condition, while allowing healthcare providers to share certain information necessary for treatment with other providers. The Privacy Rule also requires providers to adopt privacy procedures and train employees to follow them. This requirement for self-regulation states that “A covered entity must reasonably safeguard protected health information to limit incidental uses or disclosures made pursuant to an otherwise permitted or required use or disclosure.”

While requirements and guidelines on the use of body-worn cameras by law enforcement personnel vary by jurisdiction, various state laws govern the implementation of best practices, the usage by state law enforcement, and the applicability of the California Public Records Act to body-worn camera footage. Additionally, California Code of Regulations § 3270.3 regarding the use of body-worn cameras in correctional facilities specifies that “Body-worn cameras shall not be used to record confidential medical, dental, and mental health assessments, appointments, or consultations.”

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The state of Connecticut has regulated the usage of body-worn cameras through HB 7103 (2015), which outlines a number of circumstances in which recording is prohibited. The law “prohibits officers from using body cameras to intentionally record the following scenarios, unless an agreement between the agency and federal government provides otherwise:... people undergoing medical or psychological evaluations, procedures, or treatment.”



WHY SB 691 IS NEEDED

As providers of emergency medical care, EMTs and paramedics are responsible for the total care of their patient until they are transferred to a higher level of care at a medical facility. Patients and their families rely on their EMS providers on what is frequently the worst days of their lives, and trust that they will furnish the best possible care, safety, and protection.

Due to the nature of emergency medical services, this care may take place in any location or scenario, both private and public, and may potentially have interaction with law enforcement officers. While EMS personnel are attending the scene of an automobile accident, assisting victims of violent crime, or responding to transport a patient experiencing a behavioral health crisis, the presence of law enforcement personnel on those scenes means that body-worn cameras will be recording medical assessment and treatment interactions. These recordings raise serious privacy concerns for patients, potential impacts on patient willingness to fully cooperate with medics, and may

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even complicate the working relationship between public safety officers on scenes.

As a covered provider under HIPAA, EMTs and paramedics are responsible for the protection of their patients' private health information until the transfer of their care. The recording of medical or psychological treatment and assessment presents a serious breach of this privacy, compounded by the data retention policies of the agencies in question and the applicability of the California Public Records Act to such recordings. It is entirely feasible that a patient could have their entire medical assessment, in which they discuss sensitive medical information with a trusted provider, recorded by a law enforcement officer's body-worn camera, after which the recording is stored by the corresponding agency and then released under a Public Records Act request.

The possibility of private medical information becoming available to the public brings the understandable likelihood that patients would be less likely to divulge potentially life-saving information while in the presence of body-worn cameras. The confidential nature of the relationship between patient and medical provider allows for patients to feel comfortable divulging sensitive information with the knowledge that it will remain with their provider and be used only for their treatment. While the chaotic nature of an emergency medical scene may not be as strictly private as a medical examination room, that foundational trust of confidentiality remains, a confidentiality that is shattered by an ever-present recording device.

While leaving the enactment of policies and regulations governing body-worn cameras to local



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jurisdictions ensures local control for each agency, it has also created a patchwork system in which EMS personnel can never be sure what policy may or may not be in place regarding the recording of medical treatment. For instance, while the written policies of the city of San Diego explicitly prohibit the recording of medical evaluation or treatment, surrounding jurisdictions have no such policy, leaving EMS personnel responsible for requesting that law enforcement cease recording. These requests may be in direct conflict with other department policies requiring the continuous use of recording equipment, leaving both EMS and law enforcement personnel in an unresolvable position.

Body-worn cameras provide protection for both civilians and law enforcement officers alike, creating a record of interactions and ensuring accountability and transparency on all sides. While these are laudable goals and should be preserved, it is also true that video recordings may, in certain circumstances, present a violation of the privacy of individuals in distress. Patients in an emergency medical setting often have reduced or no capability to consent to such recordings, and once they have been received and stored by the law enforcement agency there is no recourse for preventing them from potentially being released to the public. It is in the best interest of all parties to ensure that there are clear guidelines for when recording is and is not permitted, granting patients the security to discuss their medical information, EMS personnel the ability to protect their patients’ privacy as required by HIPAA, and law enforcement officers the assurance that they are acting both within their written policies and for the good of the public.



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