





April 15, 2020

The Honorable Gavin Newsom  
 Governor, State of California  
 State Capitol  
 Sacramento, CA 95814

Dear Governor Newsom:

We deeply appreciate your aggressive leadership responding to the coronavirus pandemic. The business community is also helping where possible by providing essential services, having employees work remotely, and of course providing support for our workers and communities. Like you, our businesses are keenly focused on meeting this crisis and finding a path to recovery. The interconnectedness of our economy and its supply chains means the reverberation of shutting down public gatherings and non-essential outings has been felt by every Californian.

You have already taken preliminary actions to mitigate some of the burdens on individuals and private employers as they deal with the vast economic consequences, including directing tax agencies to delay the income tax filing deadlines and suspending the California WARN act for employers who have unexpectedly been required to shut down their businesses with little notice. We are grateful for these efforts so far but

believe there is much more to be done to ease the economic pain being visited on employers and their workers throughout the state.

Our organizations recommend the Administration urgently act to pause non-essential state regulatory functions that will not impact measures designed to protect imminent harm to human health. Specifically, we urge you to issue an Executive Order temporarily suspending all pending new rulemaking, as well as any rules or amendments first taking effect after your stay-at-home order of March 19, 2020, not urgently needed to protect public health, for all state agencies and commissions for at least six months.

Since public participation is an integral part of the development of new regulations and proposed rules, regulators must protect due process rights of regulated entities and the public. As businesses direct their focus to providing essential services and protecting their workforce, they will lose the capacity to meaningfully contribute to draft regulations or proposals from state agencies, boards, and commissions. Nor is there an accessible platform for stakeholders to participate on a virtual basis that is also equipped to accommodate widespread public comments or participation.

We are aware of the following agencies that are still moving forward with proposed rulemaking, which can be postponed during this emergency without affecting public health and safety, or the state's response to the COVID-19 crisis. As we become aware of others, we will advise you.

- Draft Supplemental Guidance by the Department of Toxic Substances Control: Screening and Evaluating Vapor Intrusion, for which public comment is due April 30.
- Department of Fish & Wildlife Commission - Petition to List the Southern California/Central Coast Evolutionarily Significant Unit (ESU) of Mountain Lions as Threatened under the California Endangered Species Act (CESA), submitted by the Center for Biological Diversity and the Mountain Lion Foundation – Hearing April 16.
- California Department of Housing and Community Development (HCD) - Multifamily Housing Program (MHP) 2020 Draft Guideline amendments: Comments deadline May 5.
- Air Resources Board (ARB) - Vessels at berth regulation: Comments deadline May 1.
- ARB Transportation Refrigeration Unit regulation: Comments deadline April 27 (extended 30 days from March 27)
- ARB Advanced Clean Trucks: Expected public comment deadline approximately week of May 11-22.
- ARB Public Hearing on adoption of the proposed amendments to the Regulation on the Commercialization of Alternative Diesel Fuels (ADF) – April 23.
- State Water Resources Control Board (SWRCB) Microplastics in Drinking Water: Comments deadline April 24. On Board agenda 6/16/20.
- SWRCB Hexvalent Chromium MCL Staff workshop 4/27/20: Comments deadline May 15.
- SWRCB Drinking Water Fees: Comments deadline May 15.
- Water Board Once Through Cooling Extensions: Comments deadline May 11.
- CalRecycle – SB 1383 Regulatory Language – Comments deadline May 20.

Employers should also have an extended period of time to implement regulations that have not yet taken effect, for at least 90 days following the end of both a local and statewide shelter-in-place order. We are aware of the following upcoming regulations and will advise of others as we become aware:

- CEQA guidelines adopted by the Natural Resources Agency implementing SB 743 changes on analysis and mitigation of VMT thresholds.
- Suspend the enforcement of AB 827 that is set to take effect July 1, 2020, as it applies to amusement parks. Before the Legislature went into emergency recess, the author of AB 827 was moving rapidly his clean-up urgency legislation, AB 1506, to clarify application of the original bill. With the Legislature on indefinite recess, amusement parks would be expected to spend substantial sums for compliance – even if not open for business;
- California Consumer Privacy Act regulations, set to take effect July 1, 2020.

- State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State – implementation date May 28, 2020.

We believe that Californians' health and safety will not suffer from a pause in these regulatory processes, and that state regulators can accommodate these changes to their schedules. We appreciate your urgent attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Allan Zaremberg', with a large, stylized flourish extending to the right.

Allan Zaremberg  
President, CEO  
California Chamber of Commerce

On behalf of the above organizations

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