



February 24, 2025

Civil Rights Department
c/o Rachael Langston, Assistant Chief Counsel
555 12th Street – Suite 2050
Oakland, CA 9460
Council@calcivilrights.ca.gov

Re: Second Modifications to Initial Text of Proposed Modifications to Employment Regulations Regarding Automated-Decision Systems ¹

The U.S. Chamber of Commerce (“Chamber”) appreciates the opportunity to provide further feedback on the California Civil Rights Council’s (“CCRC” or “Council”) Second Modifications to the Initial Text of Proposed Modifications to Employment Regulations Regarding Automated-Decision Systems (“Proposal”). The Chamber continues to have strong concerns with the Council’s insufficient process to adopt the Proposal. Specifically, the Council has only provided fifteen days² for stakeholders to review the proposed modifications and assess the impact of such changes before the Council’s meeting³. Accordingly, the business community is unable to provide informed feedback on the modifications to the Proposal.

The Chamber continues to be concerned with the direction of the proposed regulations, as the recent changes do not address the concerns and questions that the Chamber highlighted in our July 18, 2024 comments⁴ to the original proposal. We respectfully request that the Council consider our July 18, 2024 comment letter to be incorporated in this letter as a part of the record. We wish to highlight the following deficiencies in the Council’s rulemaking approach:

- Lacking clarity on its legal authority to expand the scope of regulations without expressed legislative authorization to do so;
- Failing to conduct the necessary fiscal and economic analysis around the proposed modifications before further promulgation activity and

¹ **California Civil Rights Department.** *Second Modifications to Proposed Modifications to Employment Regulations Regarding Automated Decision Systems*. 18 Feb. 2025, calcivilrights.ca.gov/wp-content/uploads/sites/32/2025/02/Second-Modifications-to-Proposed-Modifications-to-Employment-Regulations-Regarding-Automated-Decision-Systems.pdf.

² **California Civil Rights Department.** *CRD Automated Decision System Regulations Notice of Second Modified Text*. 18 Feb. 2025, calcivilrights.ca.gov/wp-content/uploads/sites/32/2025/02/CRD-Automated-Decision-System-Regulations-Notice-of-Second-Modified-Text.pdf.

³ **California Civil Rights Department.** *Notice and Agenda for 2025.02.07 CRC Meeting Room Change*. 18 Feb. 2025, calcivilrights.ca.gov/wp-content/uploads/sites/32/2025/02/Notice-and-Agenda-for-2025.02.07-CRC-Meeting-Room-change.pdf.

⁴ **U.S. Chamber of Commerce.** *Comments on California Civil Rights Council AI Proposal*. U.S. Chamber of Commerce, 18 Feb. 2025, uschamber.com/technology/artificial-intelligence/u-s-chamber-comments-on-california-civil-rights-council-ai-proposal.

- Ignoring stakeholder concerns regarding the possible exponential increase in litigation towards vendors and developers of automated tools.

The Chamber urges the Council to delay taking further action on the Proposal until these concerns are addressed.

Sincerely,

A handwritten signature in black ink that reads "Michael Richards". The script is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Michael Richards
Senior Director
Chamber Technology Engagement Center
U.S. Chamber of Commerce