



February 19, 2025

California Privacy Protection Agency
2101 Arena Blvd
Sacramento, CA 95834

Subject: Public Comment on ADMT Regulations
Submitted via email: regulations@cpha.ca.gov

Chair Urban and Board Members Liebert, Mactaggart, Nonnecke, and Worthe:

We write as Members of the California Legislature to share our comments and concerns regarding the CPPA's Automated Decisionmaking Technology (ADMT), risk assessment, and cybersecurity audit rulemaking, and in particular on the proposed ADMT/AI related regulations.

As you are aware, the Legislature considered many bills related to artificial intelligence (AI) in 2024. We debated and passed bills dealing with the intersection of AI and copyright, public safety, education, discrimination, frontier model safety, security, transparency, privacy rights, labor issues, state procurement, and more. We grappled with complex public policy issues facing California and balanced protecting consumers and workers with championing innovation while maintaining our state's leadership as home to many of the world's leading AI companies. Needless to say, this is a significant public policy issue that the legislative branch will continue to weigh in on in the 2025-2026 session and beyond.

At the end of 2024, Governor Newsom signed almost 20 pieces of legislation on AI or generative AI, vetoing only a select few. The Governor shared a key component of his decisions was that "California is home to 32 of the world's 50 leading AI companies, pioneers in one of the most significant technological advances in modern history. We lead in this space because of our research and education institutions, our diverse and motivated workforce, and our free-spirited cultivation of intellectual freedom. As stewards and innovators of the future, [he takes] seriously the responsibility to regulate this industry." ([Veto Message of SB 1047](#).)

In the end, Governor Newsom's unequivocal message to the Legislature and all Californians regarding AI regulation? "*We must get this right.*" The CPPA is not exempt from Governor Newsom's clear admonition that regulating AI must be done responsibly. Nor is it exempt from its inherent responsibility to Californians, as a responsible regulator, to do so. Particularly when there is so much on the line not just in terms of privacy rights but also other fundamental freedoms, as well as economic, societal, and moral impacts.

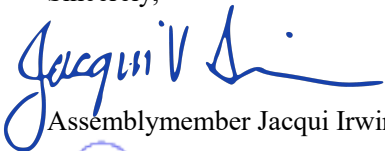
We disagree with Board Member Liebert's unfortunate suggestion that the Legislature is incapable of adequately legislating AI policy and the Board's incorrect interpretation that CPPA is somehow authorized to regulate AI. In truth, each of you must work with the Legislature and Governor Newsom to implement the specific statutory authority delegated to the Agency, rather than act alone.

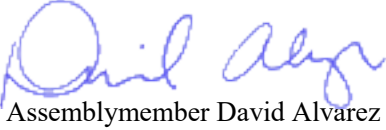
Government Code Section 11349(b) states, "[a]uthority means the provision of law which permits or obligates the agency to adopt, amend, or repeal a regulation." The CPPA does not have authority to regulate any AI (generative or otherwise) under Proposition 24 or any other body of law. AI is not included in Proposition 24, and the Legislature has not granted the CPPA authority to regulate AI. The ADMT regulations currently being considered need to be scaled back to focus on the specific issue identified under Civil Code Section 1798.185 and avoid the general regulation of AI.


While we recognize CPPA's role in the regulatory setting, the CPPA must avoid operating in a vacuum when developing regulations. You voted to move these regulations forward with the knowledge they will cost Californians \$3.5 billion in first year implementation, with ongoing costs of \$1.0 billion annually for the next 10 years, and 98,000 initial job losses in California. That is nothing to say of the adverse impact on future investment and jobs noted by the analysis that will get moved to other states, or the startups that will get developed elsewhere. These are significant consequences which the Legislature and Governor Newsom have sought to avoid in our enacted legislation, and the CPPA should seek to avoid them as well.

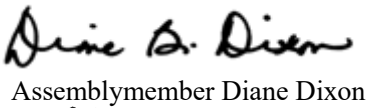
It is also important to note that California could face a \$2 billion deficit in 2025 as recently reported by the Legislative Analyst Office. Your votes to move these regulations forward are unlikely to help California's fiscal condition in 2025 and, in fact, stand to make the situation much worse. We urge you to take a broader view and redraft all of your regulations to minimize its costs to Californians. Moving forward, the CPPA must work responsibly with other branches of government to get these regulations right in order to avoid significant and irreversible consequences to California.

Sincerely,

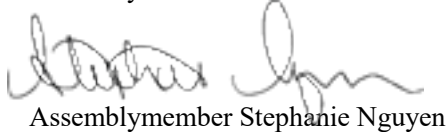

Assemblymember Jacquiri Irwin


Assemblymember David Alvarez

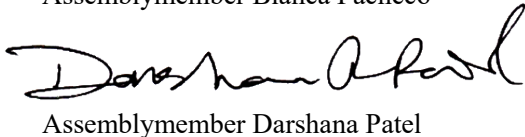

Assemblymember Lisa Calderon


Assemblymember Diane Dixon


Assemblymember Josh Hoover


Assemblymember Stephanie Nguyen

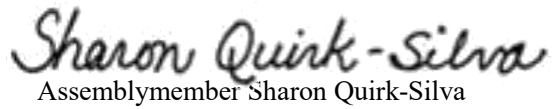

Assemblymember Blanca Pacheco


Assemblymember Darshana Patel

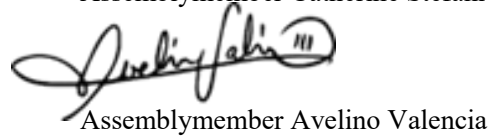

Assemblymember Joe Patterson

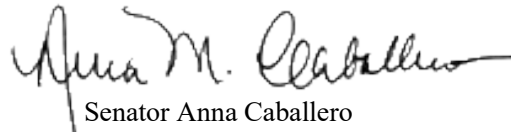

Assemblymember Gail Pellerin

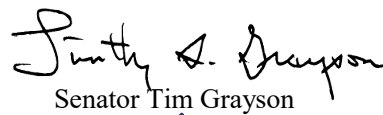

Assemblymember Cottie Petrie-Norris



Assemblymember Sharon Quirk-Silva

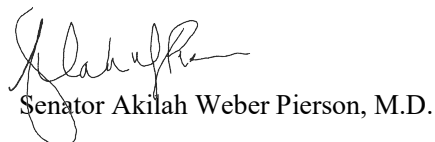

Assemblymember Catherine Stefani


Assemblymember Avelino Valencia


Senator Anna Caballero


Senator Tim Grayson


Senator Brian Jones


Senator Akilah Weber Pierson, M.D.