CFCA CALIFORNIA FUELS + CONVENIENCE ALLIANCE

California Fuels and Convenience Alliance

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California Labor and Workforce Development Agency
1416 Ninth Street (MIC-55)
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RE: CFCA Comments – Proposed PAGA Rulemaking

The California Fuels and Convenience Alliance (CFCA) represents approximately 300 members, including nearly 90 percent of all independent petroleum marketers in the state and more than half of the state's 12,000 convenience retailers. Our members—predominantly small, family- and minority-owned businesses—play a vital role in California's fuel supply chain, serving local governments, emergency services, school districts, transit companies, independent fuel retailers, and the agriculture industry.

We greatly appreciate the opportunity to comment on the proposed amendments to the Private Attorneys General Act (PAGA). CFCA members have struggled with bad-actor attorneys since the passage of PAGA and therefore welcomed the reforms enacted through AB 2288 and SB 92. These regulations appear to implement key provisions from those bills while also providing additional clarification on administrative procedures following their enactment.

Below are several proposed changes that we believe represent important steps toward limiting unfounded and harassment-type lawsuits from attorneys and similar stakeholders.

Reformed Standing Rules

Prior to the 2024 PAGA reform, an employee who experienced a single labor violation could pursue claims for additional labor violations affecting other workers, even if they themselves did not suffer those violations. The 2024 PAGA reforms—and the proposed regulatory changes implementing them—would eliminate this practice. This change will provide significant relief for our members and other employers.

High-Frequency Filer Framework

As written, the proposal would establish additional oversight for individuals or firms designated as "high-frequency filers," defined as those who have submitted 200 or more PAGA notices within the preceding 12 months. These parties would be subject to additional filing requirements and heightened scrutiny from the Agency.

While this added accountability is a positive step toward curbing abuse of the PAGA process, questions remain about how the Agency will respond if attorneys or firms consistently stay just below the threshold to avoid triggering additional oversight. We are also interested in how the 200-notice threshold was determined, as a significantly lower number could still reasonably warrant further review.

For example, even 50 notices filed by a single attorney or firm within a year could suggest a pattern of aggressive claim generation. Put simply, if an attorney or firm is bringing in an average of four PAGA claims per week, it raises concerns about active solicitation. **For this reason, the Agency should consider lowering the threshold from 200 to 50 notices to better ensure that only legitimate and ethically grounded claims are filed.**

Vexatious Filer Designation

The proposal would also allow the Agency to designate a person or attorney as a "vexatious filer" if they repeatedly submit poorly supported or harassment-type PAGA claims that fail to adequately explain the alleged violations. Such filers would face additional pre-filing screening and more stringent regulatory review, along with internal monitoring. Our members strongly support this change, as many have been unfairly targeted by frivolous claims in the past.

Conclusion

CFCA members appreciate the LWDA taking a more active oversight role in reviewing PAGA notices and recognize these proposed regulatory changes as positive steps toward fair and responsible enforcement. The provisions outlined above align with the intent of the 2024 PAGA reform legislation and help ensure that enforcement efforts focus on truly bad actors.

PAGA was intended to address employers who deliberately and systematically violate labor laws—not small businesses that are already managing the many demands of operating a business and may occasionally make minor administrative mistakes. We believe these reforms help restore that balance while maintaining accountability where it is truly warranted.

If you have any questions, please contact CFCA's Senior Policy Analyst, Gebriel Saleh, at gebriel@cfca.energy.

Sincerely,

Gebriel Saleh
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