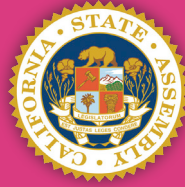


Assembly Committee on
Environmental Safety and Toxic Materials

2017 - 18 Legislative Summary



Bill Quirk, Ph.D., Chair



Members

Bill Quirk, Ph.D. - Chair
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Amy Gilson, Ph.D., Science and Technology Fellow

Committee Secretary

Pía Estrada

**ASSEMBLY COMMITTEE ON
ENVIRONMENTAL SAFETY AND TOXIC MATERIALS
2017 - 2018 LEGISLATIVE SUMMARY**

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COMMITTEE SECRETARY

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2017 - 2018 REGULAR LEGISLATIVE SESSION

ASSEMBLY COMMITTEE ON

ENVIRONMENTAL SAFETY AND TOXIC MATERIALS

LEGISLATIVE SUMMARY

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Acronyms and Shortened Titles Reference List

The following acronyms and shortened titles are used in this Legislative Summary:

CalEPA	California Environmental Protection Agency
CalRecycle	California Department of Resources, Recycling and Recovery
CDFA	California Department of Food and Agriculture
CDPH	California Department of Public Health
DPR	Department of Pesticide Regulation
DTSC	Department of Toxic Substances Control
DWR	Department of Water Resources
ESTM	Assembly Environmental Safety and Toxic Materials Committee
OEHHA	Office of Environmental Health Hazard Assessment
Regional Water Board	Regional Water Quality Control Board
State Water Board	State Water Resources Control Board
USEPA	United States Environmental Protection Agency

Introduction

During the 2017-2018 Regular Legislative Session, 112 measures were referred to the Assembly Environmental Safety and Toxic Materials Committee (ESTM Committee). This report contains summaries of the bills referred to the ESTM Committee during the 2017-2018 Regular Legislative Session. Bills that were passed by the Legislature and became law are followed by the chapter number and year enacted. For bills that did not become law, the last location of the bill in the legislative process is shown. Veto messages are included for bills vetoed by Governor Edmund G. Brown.

Bills are listed categorically based on the main subject of the bill. Some bills could have been placed in several subject categories; an effort was made to place each bill in the most appropriate category.

In addition to legislative hearings, during 2017 and 2018, the ESTM Committee held 5 oversight, informational, and initiative hearings focusing on governmental programs within the ESTM Committee's jurisdiction. Summaries of the topics investigated are included in this report.

Additional information on these measures and hearings may be obtained online at <http://leginfo.legislature.ca.gov>, <http://aesm.assembly.ca.gov/committeehome>, or by calling the Assembly Environmental Safety and Toxic Materials Committee at (916) 319-3965.

Jurisdiction of the Committee

The jurisdiction of the Assembly Environmental Safety and Toxic Materials Committee includes the following policy areas:

Cleanup of contaminated sites, including federal Superfund sites

Drinking water regulation

Emergency response relating to hazardous materials

Hazardous waste management, regulation, and enforcement

Medical waste management

Nuclear waste

Pesticide regulation

Proposition 65

Regulation of consumer products containing toxic substances, consumer product safety

Toxic air contaminants and indoor air quality

Toxic substances, hazardous materials

Underground storage tank regulation and cleanup

Water quality, toxic contamination of water

2017 - 2018 Legislative Summary

Consumer Product Safety

AB 958 (Ting) Product safety: perfluoroalkyl and polyfluoroalkyl substances. Requires a manufacturer of food packaging or cookware sold in the state to, if the product contains a perfluoroalkyl and polyfluoroalkyl substance (PFAS), include a specified statement relating to the presence of the PFAS on the exterior of the food packaging or cookware packaging.

Final Status: Held on the Senate floor.

AB 1575 (Kalra) Professional cosmetics: labeling requirements. Requires, on or after January 1, 2019, a manufacturer of a professional cosmetic sold or manufactured in this state to list the ingredients on the container label; provide its website address on the container label; and, post the ingredients on its website.

Final Status: Held in the Senate Appropriations Committee.

AB 2775 (Kalra) Professional cosmetics: labeling requirements. Requires, on or after July 1, 2020, a professional cosmetic for sale to have a label affixed on the container that satisfies all of the labeling requirements for any other cosmetic pursuant to the Federal Food, Drug, and Cosmetic Act and the Federal Fair Packaging and Labeling Act.

Final Status: Signed into law, Chapter 393, Statutes of 2018.

AB 2901 (ESTM Committee) Cleaning Product Right to Know Act of 2017. Makes technical changes and updates to statute enacted under SB 258 (Lara, Chapter 830, Statutes of 2017), which created the Cleaning Product Right to Know Act of 2017.

Final Status: Signed into law, Chapter 28, Statutes of 2018.

AB 2998 (Bloom) Consumer products: flame retardant materials. Prohibits, on or after January 1, 2020, a person from selling or distributing in commerce any reupholstered furniture

or any new juvenile products, mattresses, or upholstered furniture that contain, or a constituent component of which contains, flame retardant chemicals above specified levels.

Final Status: Signed into law, Chapter 924, Statutes of 2018.

SB 258 (Lara) Cleaning Product Right to Know Act of 2017. Creates the Cleaning Product Right To Know Act of 2017, which requires manufacturers of cleaning products to disclose specified chemical ingredients on a product label and on the manufacturers' website.

Final Status: Signed into law, Chapter 830, Statutes of 2017.

Drinking Water

AB 166 (Salas) Safe drinking water: household filtration systems: rebate program. As it was heard before the ESTM Committee, requires a study on the feasibility and financial stability of a statewide water filtration rebate program. This bill was later amended to authorize specified low- and very low-income property owners to claim a hardship refund of fees paid in connection with a property refinancing transaction, pursuant to SB 2 (Atkins, Chapter 364, Statutes of 2017).

Final Status: Held at the Senate Desk.

AB 272 (Gipson) Water utility service: sale of water utility property by a city. Authorizes the DWR and the State Water Board to condition the awardance of financial assistance to an urban water supplier in southeast Los Angeles County that does not have adequate technical, managerial, and financial capacity on the participation of a public water agency that has sufficient technical, managerial, and financial capacity to complete and operate the project.

Final Status: Held in the Assembly Appropriations Committee.

AB 560 (Salas) Safe Drinking Water State Revolving Fund: project financing: severely disadvantaged communities. Authorizes the State Water Board to provide grant funding, and principal forgiveness and zero percent financing on loans, from the Safe Drinking Water State Revolving Fund to a water system serving a severely disadvantaged community if the water

system demonstrates that repaying a loan with interest would result in unaffordable water rates.

Final Status: Signed into law, Chapter 552, Statutes of 2017.

AB 574 (Quirk) Potable reuse. Requires the State Water Board to, on or before December 31, 2023, adopt uniform water recycling criteria for potable reuse through raw water augmentation.

Final Status: Signed into law, Chapter 528, Statutes of 2017.

AB 746 (Gonzalez Fletcher) Public health: potable water systems: lead testing: schoolsites. Requires a community water system that serves a schoolsite built before January 1, 2010, to test for lead in the potable water system of the schoolsite on or before July 1, 2019.

Final Status: Signed into law, Chapter 746, Statutes of 2017.

AB 869 (Rubio) Sustainable water use and demand reduction: recycled water. Excludes recycled water from the calculation of any water use or water use efficiency target established after 2020.

Final Status: Held in the Senate Natural Resources and Water Committee.

AB 885 (Rubio) Pupil health: drinking water: lead. Requires each school to develop and adopt a plan of action to prevent elevated lead levels in all water used for drinking or cooking at the school, and requires a community water system to test schools annually for the presence of lead in its drinking water.

Final Status: Held in the Assembly Appropriations Committee.

AB 1343 (Chen) Water conservation: school districts: Go Low Flow Water Conservation Partnerships. Authorizes the governing board of a school district to enter into a Go Low Flow Water Conservation Partnership with a public water system.

Final Status: Signed into law, Chapter 90, Statutes of 2017.

AB 1490 (Gray) State Water Resources Control Board: school drinking water. Requires the State Water Board to, no later than July 1, 2018, prepare and submit to the Legislature a report evaluating the potential adverse impacts resulting from the implementation of the Bay-Delta Water Quality Control Plan on the quality and supply of drinking water provided to schools in disadvantaged communities.

Final Status: Held in the Assembly Appropriations Committee.

AB 1529 (Thurmond) Drinking water: cross-connection or backflow prevention device inspectors: certification. Requires that cross-connection or backflow prevention certifications that meet specified regulatory requirements for competency are accepted certification tests either until the State Water Board promulgates related standards or until January 1, 2020, whichever comes first. Prohibits a water supplier, under certain conditions, from refusing to recognize statewide certifications that meet the standards set by the State Water Board.

Final Status: Vetoed by the Governor. The veto message stated:

"This bill would require local water suppliers to accept current certifications issued for people who inspect cross-connection and backflow prevention devices, which protect drinking water supplies from contamination, if the certifications meet regulatory requirements that were in effect January 1, 2016. Additionally, once the State Water Board adopts new standards for cross-connection control and backflow prevention - which they are expected to do by January 1, 2020 - water suppliers would be required to accept certifications that meet these new certification standards.

This bill is unnecessary and limits a water supplier's ability to protect public health and safety. The State Water Board is in the process of developing new cross-connection and backflow prevention standards, which will provide consistent direction on the issue. Furthermore, the proposed regulations will preserve water suppliers' discretion to require standards that are more rigorous."

AB 1671 (Caballero) Backflow protection and cross-connection controls: standards. Requires the State Water Board to, on or before January 1, 2020, adopt standards for backflow protection and cross-connection control.

Final Status: Signed into law, Chapter 533, Statutes of 2017.

AB 1991 (Mathis) Safe Drinking Water State Revolving Fund: Internet Web site information: updates. Requires the State Water Board to post information annually on its website regarding implementation of the Safe Drinking Water State Revolving Fund Law and expenditures from the Safe Drinking Water State Revolving Fund.

Final Status: Held in the Assembly Environmental and Toxic Materials Committee.

AB 2050 (Caballero) Small System Water Authority Act of 2018. Creates the Small System Water Authority Act of 2018, which authorizes the creation of a small system water authority (Authority) that will have powers to absorb, improve, and competently operate noncompliant public water systems. Requires the State Water Board to send a notice to public water systems that are not in compliance with drinking water standards, and if the system does not return to compliance in a timely manner, requires the State Water Board to first attempt to consolidate the public water system with an existing water system, and, if not, force the dissolution of the public water system and merge that system into a new Authority.

Final Status: Vetoed by the Governor. The veto message stated:

"This bill establishes the Small System Water Authority Act of 2018, which authorizes the creation of small system water authorities to operate small public water systems that can't afford to serve safe drinking water.

While I appreciate the author's intent, this bill creates an expensive, bureaucratic process and does not address the most significant problem with providing safe drinking water - a stable funding source to pay for ongoing operations and maintenance costs.

My administration remains committed to a comprehensive solution to address safe drinking water issues based on shared responsibility between water users and water providers that will not result in ongoing costs to the General Fund. I urge the Legislature and stakeholders to work towards a stable funding solution in 2019."

AB 2060 (E. Garcia) Water: grants: advanced payments. Creates an advanced payment mechanism for the State Water Pollution Control Revolving Fund Small Community Grant Fund and specified drinking water grant programs funded by the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Proposition 1).

Final Status: Vetoed by the Governor. The veto message stated:

"This bill would require the State Water Board to provide advance payment of grant awards to a nonprofit organization or disadvantage community grantee, upon request, if the grantee demonstrates a need and if other specified criteria are met. These provisions would apply to wastewater and drinking water projects.

I appreciate the author's intent to help nonprofit organizations and disadvantaged communities meet cash-flow needs when managing projects. In recent years, however, the State Water Board has established other means for grantees to address cash-flow problems. For example, the State Water Board facilitates payment of invoices, including paying additional fees to the State Controller for expedited processing. Additionally, when a grantee obtains a bridge loan to access funds before completion of a project, the State Water Board will reimburse the grantee for interest costs.

As such, the additional financial risks and administrative costs associated with advanced payments, as proposed in AB 2060, are unwarranted."

AB 2370 (Holden) Lead exposure: child day care facilities: family day care homes. Requires licensed child day care facilities to, upon enrolling any child, provide parents or guardians with certain written information related to the risks and effects of lead exposure and blood lead testing recommendations and requirements, and subjects certain child day care centers to requirements related to testing drinking water for lead contamination levels.

Final Status: Signed into law, Chapter 676, Statutes of 2018.

AB 2501 (Chu) Drinking water: state administrators: consolidation and extension of service. Revises and recasts existing law to expand the State Water Board's authority to order the consolidation of, and to appoint an administrator for, drinking water systems that serve a disadvantaged community and that consistently fail to provide safe, affordable drinking water.

Final Status: Signed into law, Chapter 871, Statutes of 2018.

AB 2541 (Salas) Safe Drinking Water State Revolving Fund: project financing: severely disadvantaged communities. Clarifies recent statutory changes made in AB 560 (Salas, Chapter 552, Statutes of 2017), by authorizing the State Water Board to provide up to 100% grant funding in addition to providing principal forgiveness, and zero-percent financing on loans, from

the Safe Drinking Water State Revolving Fund to a project for a water system that serves a severely disadvantaged community.

Final Status: Signed into law, Chapter 217, Statutes of 2018.

AB 2692 (Arambula) Drinking water: infrastructure funding. Requires the State Treasurer to establish the California Safe Drinking Water Revolving Loan Program to provide loans to public water systems to address critical water infrastructure needs.

Final Status: Held in the Assembly Environmental Safety and Toxic Materials Committee.

AB 2728 (Chen) Replacement of corroded or lead-containing plumbing or service lines: loans. Authorizes the State Water Board to establish a grant program to provide funding for the replacement of corroded or lead-containing plumbing and service lines that adversely impact drinking water standards.

Final Status: Held in the Assembly Appropriations Committee.

AB 2900 (ESTM Committee) Proposed new public water system: preliminary technical report. Makes technical changes to statute enacted under SB 1263 (Wieckowski, Chapter 843, Statutes of 2016) related to preliminary technical report requirements for proposed new public water systems.

Final Status: Signed into law, Chapter 195, Statutes of 2018.

SB 998 (Dodd) Discontinuation of residential water service: urban and community water systems. Requires public water systems with more than 200 connections to have a written policy, provided in multiple languages, on the discontinuation of residential water service.

Final Status: Signed into law, Chapter 891, Statutes of 2018.

Environmental Health

AB 891 (E. Garcia) California Communities Environmental Health Screening. As it was heard before the ESTM Committee, requires air monitoring data from the Imperial County and San Ysidro air monitoring studies to be included in the California Communities Environmental Health Screening Tool (CalEnviroScreen). This bill was later amended to ratify a tribal-state Class III gaming compact entered into between the State of California and the Morongo Band of Mission Indians, executed on September 6, 2017.

Final Status: Signed into law, Chapter 447, Statutes of 2017.

AB 1187 (E. Garcia) Crowdsourcing and Citizen Science Act of 2017. Establishes the Crowdsourcing and Citizen Science Act of 2017 and authorizes the Secretary for CalEPA and the heads of the various boards, offices, and departments within CalEPA to use crowdsourcing and citizen science approaches to conduct activities designed to advance the mission of CalEPA.

Final Status: Held in the Assembly Environmental Safety and Toxic Materials Committee.

AB 2447 (Reyes) California Environmental Quality Act: land use: environmental justice.

Requires lead agencies that are preparing the environmental review of an industrial or similar project within a half mile of a disadvantaged community to provide a notice about the project to owners and occupants of property within a half mile of the project.

Final Status: Vetoed by the Governor. The veto message stated:

"This bill would expand notice and public meeting requirements under the California Environmental Quality Act for certain industrial projects in or near disadvantaged communities.

Land use is quintessentially a local matter. I believe the notice and meeting requirements, as outlined in this bill, are too prescriptive. Disadvantaged communities are entitled to clear and adequate notice, but zones of notice and the definition of projects subject to the requirements should be flexibly defined to reflect the vast diversity of our state."

AB 2892 (Quirk) Pest control: mosquito abatement. Establishes the California Mosquito Surveillance and Research Program to be administered by the CDPH.

Final Status: Held in the Senate Appropriations Committee.

Hazardous Materials

AB 247 (C. Garcia) Public health: childhood lead poisoning: Lead Advisory Task Force. Establishes a Statewide Lead Advisory Taskforce to review and provide recommendations regarding policies and procedures to reduce lead poisoning in the state.

Final Status: Vetoed by the Governor. The veto message stated:

"This bill creates a twenty-one member Lead Advisory Task Force to review and advise on state policies and procedures to reduce childhood lead poisoning and to suggest a regulatory agenda that would identify sources of lead and ensure standards are protective of public health.

The responsibilities of this task force would be duplicative of ongoing work by OEHHA, the CDH, the State Water Board, and the DTSC. Coordination and evaluation of procedures to reduce childhood lead poisoning is being accomplished administratively amongst these agencies so there is no reason to divert resources to a task force."

AB 421 (Santiago) Hazardous substances: liability: responsible parties. Provides that for a cause of action under the Carpenter-Presley-Tanner Hazardous Substance Account Act, the term "disposal" also includes emissions into the air.

Final Status: Held in the Assembly Judiciary Committee.

AB 1316 (Quirk) Public health: childhood lead poisoning: prevention. Requires the CDPH to revise its regulations for the Childhood Lead Poisoning Prevention Program to redefine the assessment of risks for the purposes of evaluating a child's risk for lead exposure. Requires the CDPH to consider the most significant risk factors, as defined, for childhood lead exposure.

Final Status: Signed into law, Chapter 507, Statutes of 2018.

AB 1439 (ESTM Committee) Hazardous materials: reporting. Authorizes the DTSC to require a person submitting documents, including a report, work-plan, schedule, notice, request, or application, to submit the document in an electronic format.

Final Status: Signed into law, Chapter 301, Statutes of 2017.

AB 1645 (Muratsuchi) Hydrogen fluoride: report. Requires the South Coast Air Quality Management District to, no later than January 2, 2020, submit a report to the Legislature on hydrogen fluoride and modified hydrogen fluoride used at specified refineries.

Final Status: Held in the Assembly Natural Resources Committee.

AB 1646 (Muratsuchi) Hazardous materials: unified program agency: integrated alerting and notification system. Requires an implementing agency to, in coordination with local emergency management agencies, unified program agencies, local first response agencies, and the public, develop an integrated alerting and notification system to be used to notify the community surrounding a petroleum refinery in the event of an incident at the refinery.

Final Status: Signed into law, Chapter 588, Statutes of 2017.

AB 1649 (Muratsuchi) Oil refineries: public safety. Requires the CalEPA to coordinate the activities of state and local agencies with a regulatory role regarding refineries and requires the CalEPA to convene at least two public meetings annually to provide members of the public with current information on refinery safety.

Final Status: Signed into law, Chapter 590, Statutes of 2017.

AB 1689 (ESTM Committee) Business plans: combustible metals. Adds combustible metals and metal alloys to the list of materials a business must include in its hazardous materials business plan.

Final Status: Signed into law, Chapter 159, Statutes of 2017.

AB 1980 (Quirk) Statute of limitations: hazardous materials. Extends the statute of limitations for Aboveground Petroleum Storage Act violations from one to five years.

Final Status: Signed into law, Chapter 141, Statutes of 2018.

AB 2149 (Chen) Hazardous materials: Green Ribbon Science Panel: meetings. Increases the number of times the Green Ribbon Science Panel is required to meet to not less than 3 times each year.

Final Status: Held in Assembly Environmental Safety and Toxic Materials Committee.

AB 2189 (Santiago) Hazardous substances: lead: cleanup: Exide Technologies facility.

Extends the expenditure deadline from June 30, 2018, to June 30, 2021, for the DTSC to clean up properties contaminated with lead near the Exide Technologies facility in Vernon, California, and appropriates \$12 million to the DTSC for the investigation and cleanup of parkways near the facility.

Final Status: Held in the Senate Appropriations Committee.

AB 2787 (Quirk) Lead fishing weights and sinkers. As it was heard before the ESTM Committee, prohibits, on and after January 1, 2025, a person from manufacturing, selling, or purchasing a fishing weight or sinker containing lead in California, as specified. This bill was later amended to require the California Independent System Operator to procure 1,000 to 2,000 megawatts of capacity from long duration energy storage projects by December 31, 2019.

Final Status: Held on the Senate Floor.

AB 2803 (Limón) Public nuisance: residential lead-based paint. Provides that residential lead-based paint that affects the health of a considerable number of persons interferes with a public right and that a party may be subject to liability for public nuisance if it promoted lead-based paint with knowledge that such use would cause health hazards sufficiently serious to render that use unreasonable. Allows a plaintiff in an abatement action involving residential lead-based paint to establish causation without presenting evidence that a particular party caused a particular lead-based paint to be applied in a particular residence.

Final Status: Held in the Senate Appropriations Committee.

AB 2832 (Dahle) Recycling: lithium-ion vehicle batteries: advisory group. Requires the Secretary for CalEPA to convene a research group to review and advise the Legislature on policies pertaining to the recovery and recycling of lithium-ion vehicle batteries sold with motor vehicles in the state.

Final Status: Signed into law, Chapter 822, Statutes of 2018.

AB 2902 (ESTM Committee) Hazardous substances. Makes technical changes to the Aboveground Petroleum Storage Tank Act, the Underground Storage Tank Act, and the Hazardous Materials Business Plan Program.

Final Status: Signed into law, Chapter 721, Statutes of 2018.

AB 2934 (Stone) Residential lead-based paint hazard reduction program: county health departments: certification. Amends the Residential Lead-Based Paint Hazard Reduction Program to authorize the CDPH to authorize a local health department to implement and administer the program that certifies individuals doing lead-related construction work.

Final Status: Held in the Senate Appropriations Committee.

AB 3009 (Quirk) Hazardous materials: lead-based paint. Requires, on and after July 1, 2019, or, on and after six months after the operative date of the bill, whichever is later, a \$2 California Paint Fee to be imposed on manufacturers for each gallon of paint that it sells at retail to a person in California, or that it sells to a dealer, wholesaler, distributor, or other person for retail sale.

Final Status: Held on the Assembly Floor.

AB 3014 (Quirk) Brake friction materials: copper limits: high-performance road- and track-capable vehicle exemption. Exempts high performance road and track capable vehicles and brake friction materials for use on those vehicles from the requirement that brake friction materials contain no more than 5 percent copper by weight by January 1, 2021.

Final Status: Held in the Senate Environmental Quality Committee.

AB 3138 (Muratsuchi) Hazardous materials: management: civil liability. Restructures civil and administrative penalties for California Accidental Release Prevention Program (CalARP) violations by raising the maximum civil or administrative penalty for CalARP violations from \$2,000 to \$5,000 per violation per day, and, changing the criteria a CalARP violation must meet in order to be subject to a maximum penalty of \$25,000 per violation per day.

Final Status: Signed into law, Chapter 308, Statutes of 2018.

SB 377 (Monning) Lead-based paint. Requires the CDPH to promulgate regulations governing lead-related construction work to conform to the USEPA's Lead Renovation, Repair, and Painting Rule.

Final Status: Held on the Assembly Floor.

SB 427 (Leyva) Public water systems: community water systems: lead user service lines. Requires, by July 1, 2020, a community water system that has identified lead user service lines in use in its distribution system to provide a timeline for replacement of those service lines to the State Water Board.

Final Status: Signed into law, Chapter 238, Statutes of 2017.

Hazardous Waste

AB 245 (Quirk) Hazardous waste: enforcement. Increases the maximum allowable administrative and civil penalties to \$70,000 for violations of the California Hazardous Waste Control Act.

Final Status: Signed into law, Chapter 499, Statutes of 2017.

AB 246 (Santiago) Environmental quality: Jobs and Economic Improvement Through Environmental Leadership Act of 2011. As it was heard before the ESTM Committee, requires the DTSC, as a condition for a new hazardous waste facilities permit or a renewal of a hazardous

waste facilities permit, to require a permit applicant to obtain a permit from the local air quality management district or air pollution control district and that compliance with the air permit is also a condition of the hazardous waste facilities permit. This bill was later amended to extend for two years the expedited California Environmental Quality Act (CEQA) judicial review procedures established by the Jobs and Economic Improvement Through Environmental Leadership Act.

Final Status: Signed into law, Chapter 522, Statutes of 2017.

AB 248 (Reyes) Hazardous waste: facilities: permits. Makes statutory changes to improve the permitting process for hazardous waste facilities.

Final Status: Vetoed by the Governor. The veto message stated:

"This bill would require the owner or operator of a hazardous waste facility to submit an application for a permit renewal either six months or two years prior to expiration, depending on the expiration date of the permit.

There is no question that comprehensive reform of the DTSC's operation is needed and the Administration is committed to working with the Legislature on that task. When it comes to protecting the public health of our communities, government cannot afford to make promises it cannot keep.

Adding new responsibilities to the DTSC must be undertaken holistically while considering the resources and funding available. Doing anything less robs the community of a real solution and sets government up for failure.

Addressing the structural problems at the DTSC, both fiscal and administrative, will not be an easy task, but one that is achievable if the Administration and the Legislature work together. I look forward to the partnership."

AB 249 (Mullin) Political Reform Act of 1974: campaign disclosures. As it was heard before the ESTM Committee, increases the maximum allowable penalty for violations of hazardous waste control law. This bill was later amended to change the content and format of disclosure statements required on specified campaign advertisements in a manner that generally requires

such disclosures to be more prominent and establishes new requirements for determining when contributions are considered to be "earmarked."

Final Status: Signed into law, Chapter 546, Statutes of 2017.

AB 483 (Bocanegra) Airports: pollution. Requires the DTSC to conduct soil sampling at an airport for the presence of hazardous wastes and to report its findings to the Legislature by July 1, 2019.

Final Status: Held in the Assembly Environmental Safety and Toxic Materials Committee.

AB 514 (Salas) Retail Waste. As it was heard before the ESTM Committee, exempts specified pharmaceutical wastes from the definition of "waste." This bill was later amended to require the State Department of Social Services to notify child day care facilities when a person required to register pursuant to California's Sex Offender Registration Act registers a new residence within 1,000 feet of the facility.

Final Status: Vetoed by the Governor.

AB 1179 (Kalra) Hazardous waste facilities: inspections. Requires the DTSC to, on or before January 1, 2020, adopt regulations establishing inspection frequencies for permitted hazardous waste treatment, storage, and disposal facilities and for hazardous waste generators and transporters.

Final Status: Vetoed by the Governor. The veto message stated:

"This bill would require the DTSC to adopt regulations establishing the frequency of inspections for permitted hazardous waste facilities.

There is no question that comprehensive reform of the DTSC's operations is needed and the Administration is committed to working with the Legislature on that task. When it comes to protecting the public health of our communities, government cannot afford to make promises it cannot keep.

Adding new responsibilities to the DTSC must be undertaken holistically while considering the resources and funding available. Doing anything less robs the

community of a real solution and sets government up for failure.

Addressing the structural problems at the DTSC, both fiscal and administrative, will not be an easy task, but one that is achievable if the Administration and the Legislature work together. I look forward to the partnership."

AB 1441 (ESTM Committee) Hazardous waste: transportation: electronic manifests.

Authorizes the state's hazardous waste management manifest requirements to be satisfied through the use of the USEPA electronic manifest system, once it comes online.

Final Status: Held on the Senate Floor.

AB 1663 (C. Garcia) Lead-acid batteries. As it was heard before the ESTM Committee, amends the Lead-Acid Battery Recycling Act of 2016 (AB 2153, Chapter 666, Statutes of 2016) to clarify provisions related to an out-of-state lead-acid battery manufacturer's financial responsibilities. This bill was later amended to require a group home with children, who are under the custody of the federal Office of Refugee Resettlement, to report specified information on children under their custody.

Final Status: Held in the Assembly Rules Committee.

AB 2094 (Kalra) Hazardous waste facilities: inspections. Requires the DTSC to, on or before January 1, 2021, adopt regulations establishing inspection frequencies for permitted hazardous waste treatment, storage, and disposal facilities; hazardous waste generators; and, transporters.

Final Status: Held in the Senate Appropriations Committee.

AB 2345 (Reyes) Hazardous waste: facilities: permits. As it was heard before the ESTM Committee, makes statutory changes to improve the process for the permitting of hazardous waste facilities. This bill was later amended to require the California Energy Commission to require each large electrical corporation to establish a tariff or tariffs that provide for bill credits for electricity generated by eligible renewable generating facilities and exported to the electrical grid.

Final Status: Held in Senate Rules Committee.

AB 2407 (Ting) Recycling: lithium-ion vehicle batteries: advisory group. Requires the Secretary for CalEPA to convene a research group to review, and advise the Legislature on, policies pertaining to the recovery and recycling of lithium-ion vehicle batteries sold with motor vehicles in the state.

Final Status: Held in the Senate Environmental Quality Committee.

AB 2474 (Quirk) Hazardous waste: identification: testing. Authorizes the DTSC to evaluate the suitability of two acute aquatic toxicity test protocols, one testing for toxicity to fish embryos and the other for toxicity to daphnids, for hazardous waste identification and requires the DTSC to provide one or both of the tests as optional alternatives to the acute aquatic toxicity test currently in its regulations, which is performed on fish.

Status: Vetoed by the Governor. The veto message stated:

"This bill authorizes the DTSC to evaluate alternative methods from its standard bioassay procedure when determining if a product is hazardous waste.

The DTSC currently has the authority to establish alternative methods of testing a product's toxicity to aquatic life. Despite this, it has not exercised this option because such tests are too expensive. The DTSC has a structural deficit and I am not inclined to sign legislation that creates additional cost pressures."

AB 2606 (Fong) Hazardous waste: facilities: permits: renewals. Requires the DTSC to process a hazardous waste facility renewal permit in an expedited manner if the DTSC determines certain conditions apply.

Final Status: Held in the Senate Appropriations Committee.

AB 2660 (Quirk) Hazardous waste: surplus household consumer products. Allows a retailer, without having to make a waste determination, to ship a surplus household consumer product to a reverse distributor who will be responsible for making a waste determination for that surplus consumer product if it becomes a waste.

Final Status: Held in the Senate Environmental Quality Committee.

AB 2928 (Chen) Hazardous waste: used oil. Authorizes generators of highly controlled used oil to test their used oil once per year for the purposes of determining if the used oil is a hazardous waste, and allows generators to not have to manage their used oil as hazardous waste under certain conditions.

Final Status: Signed into law, Chapter 440, Statutes of 2018.

SB 49 (De León) California Environmental, Public Health, and Workers Defense Act of 2017. Enacts the California Environmental, Public Health, and Workers Defense Act of 2017, which prohibits a state or local agency from amending or revising its rules to be less stringent than the federal baseline standards pertaining to environmental protection.

Final Status: Held in the Assembly Rules Committee.

SB 774 (Leyva) Hazardous substances: California Toxic Substances Board. As it was heard before the ESTM Committee, creates the California Toxic Substances Board within the DTSC to provide oversight of California's hazardous waste management and the remediation of contaminated sites. This bill was later amended to require the California State University Trustees to oversee a competitive process to award funds to the Wildland and Wildland Urban Interface Wildfire Research Grant Program and appropriate \$5 million from the General Fund to the Trustees in order to oversee the program.

Final Status: Vetoed by the Governor.

SB 1054 (Hertzberg) Santa Susana Field Laboratory cleanup. As it was heard before the ESTM Committee, requires the DTSC to provide the public with a monthly status report on the cleanup of the Santa Susana Field Laboratory. This bill was later amended to make changes to statute enacted by SB 10 (Hertzberg, Chapter 244, Statutes of 2018), which created a risk-based non-monetary prearrestment and pretrial release system for people arrested for criminal offenses

Final Status: Signed by the Governor, Chapter 980, Statutes of 2018.

Medical Waste

AB 444 (Ting) Medical waste: home-generated medical waste. Authorizes CalEPA to develop a statewide program for the collection, transportation, and disposal of home-generated medical waste, including sharps waste and pharmaceutical waste.

Status: Held in the Senate Environmental Quality Committee.

AB 474 (E. Garcia) Hazardous waste: spent brine solutions. Exempts spent brine solutions from hazardous waste requirements if the spent brine solution is a byproduct of the treatment process for drinking water and it will be transferred to a surface impoundment regulated by the Regional Water Boards.

Status: Signed into law, Chapter 840, Statutes of 2017.

AB 2277 (Mathis) Solid waste facilities: home-generated pharmaceutical waste: incineration. Vests CalRecycle with the primary responsibility for the disposal of home-generated pharmaceutical waste and, on or before January 1, 2020, requires CalRecycle to adopt regulations authorizing the incineration of home-generated pharmaceutical waste by solid waste facilities.

Status: Held in the Assembly Environmental Safety and Toxic Materials Committee.

SB 212 (Jackson) Solid waste: pharmaceutical and sharps waste stewardship. Requires entities that sell drugs or sharps in the state to individually, or with other entities, develop and implement a statewide home-generated drug stewardship plan, or a home-generated sharps waste stewardship plan, or both, for the collection and proper disposal of home-generated drug and sharps waste. Requires CalRecycle to oversee and enforce each stewardship plan.

Final Status: Signed into law, Chapter 1004, Statutes of 2018.

Nuclear Waste

AB 1207 (Brough) Radioactive material: transportation. As it was heard before the ESTM Committee, requires the State Energy Resources Conservation and Development Commission to conduct a study by January 1, 2019, to assess the efficacy of the regulations adopted by the CDPH in minimizing the risks to public health and safety resulting from the transportation of hazardous radioactive materials. This bill was later amended to allow powdered alcohol to be possessed if it is exclusively for manufacturing, research, or development purposes and is not used for retail sale.

Final Status: Held in the Senate Governmental Organization Committee.

Pesticides

AB 593 (Gloria) Structural Fumigation Enforcement Program. Extends the sunset on the Structural Fumigation Enforcement Program from January 1, 2018, to January 1, 2023.

Final Status: Signed into law, Chapter 225, Statutes of 2017.

AB 1165 (Caballero) Agriculture: Agricultural Sustainability Council: regulatory alignment. Establishes the Agricultural Sustainability Council to plan for regulatory alignments that aid grower compliance, reduce costs to the agricultural industry, and protect the environment.

Final Status: Vetoed by the Governor. The veto message stated:

"This bill establishes the Agricultural Sustainability Council for the purpose of eliminating regulatory overlap and inconsistency.

I agree with the author's objective, but believe this bill is not warranted. The CDFA Secretary, using her existing authority, can meet with other state agencies and identify how to improve regulatory coordination and efficiency."

AB 1419 (Quirk) Pesticides: penalties for violations: civil penalty. Authorizes the DPR to initiate and maintain enforcement actions and to levy civil penalties for specified pesticide use violations.

Final Status: Failed passage on the Assembly Floor.

AB 1480 (Quirk) Pest control: violations and penalties: civil penalty. Authorizes the director of the DPR to levy a civil penalty against a person who commits fraudulent activity related to the pesticide applicator licensing process.

Final Status: Signed into law, Chapter 152, Statutes of 2017.

AB 1687 (Bloom) Pesticides: use of anticoagulants. Prohibits the use, except as specified, of any pesticide that contains one or more of nine active ingredients, including all registered first and second generation anticoagulant rodenticides and some acute toxicants.

Final Status: Held in the Assembly Environmental Safety and Toxic Materials Committee.

AB 2422 (Bloom) Pesticides: use of anticoagulants. Prohibits the use, except as specified, of any pesticide that contains an anticoagulant.

Final Status: Held in the Assembly Water, Parks, and Wildlife Committee.

AB 2816 (Mutasuchi) Pesticides: schoolsites: report. Requires the DPR, on or before January 1, 2021, to submit a report to the Legislature that evaluates the implementation of the provisions of the Healthy Schools Act of 2000 (Act) and that provides recommendations on improving the implementation and efficacy of the Act.

Final Status: Signed into law, Chapter 720, Statutes of 2018.

AB 2997 (Quirk-Silva) Pest control: aircraft operations. Makes technical changes to statute relating to aircraft operation regulation for pest control uses.

Final Status: Held in the Assembly Environmental Safety and Toxic Materials Committee.

SB 1481 (Hill) Structural pest control: certification: fumigation: penalties. Makes technical changes to the laws governing structural pest control operators; adjusts penalty amounts for violations of those laws; and, extends the sunset date on the Structural Pest Control Board.

Final Status: Signed into law, Chapter 572, Statutes of 2018.

Proposition 65

(The Safe Drinking Water and Toxic Enforcement Act of 1986)

AB 1583 (Chau) Proposition 65: enforcement: certificate of merit: factual basis. Requires the Attorney General, if she or he finds that there is not merit to an action filed under Proposition 65, to serve a letter to the noticing party and the alleged violator that the Attorney General believes there is not merit to the action.

Final Status: Signed into law, Chapter 510, Statutes of 2017.

AB 1621 (Allen) Proposition 65: enforcement: private actions. Requires anyone bringing an action under Proposition 65 to provide the certificate of merit that is required to be provided to the Attorney General, also to the alleged violator.

Final Status: Held in the Assembly Environmental Safety and Toxic Materials Committee.

Underground Storage Tanks

AB 619 (Dahle) Sierra Lakes County Water District. Authorizes the Sierra Lakes County Water District to adopt, by ordinance, requirements relating to the installation and use of small tanks used for the storage of petroleum in order to regulate or control the discharge of pollutants from those tanks.

Final Status: Signed into law, Chapter 109, Statutes of 2017.

AB 719 (Fong) Underground storage tanks: Expedited Claim Pilot Project. Requires the State Water Board to submit a report to the Legislature on the effectiveness and efficiency of the Expedited Claim Pilot Project under the Underground Storage Tank Cleanup Trust Fund Act and extends the deadline of that report to January 1, 2020.

Final Status: Held in the Assembly Environmental Safety and Toxic Materials Committee.

Water Quality

AB 339 (Mathis) State Water Pollution Cleanup and Abatement Account. Deletes the sunset on the authorization for the State Water Board to fund projects addressing an urgent drinking water need from the Cleanup and Abatement Account.

Final Status: Signed into law, Chapter 439, Statutes of 2017.

AB 355 (Chu) Water pollution: enforcement. Makes changes to the State Water Board's governing statutes, including the provision of new authority to impose civil liability administratively on an owner of an underground storage tank for failure to comply with requirements on underground storage tank management; redefining "a publicly owned treatment works serving a small community" in the context of assessing penalties for discharge violations; changing the date by which the State Water Board must report regarding its enforcement activities related to waste discharge violations; and, changing the date by which the State Water Board must annually prepare a report about compliance with general storm water National Pollutant Discharge Elimination System permits.

Status: Signed into law, Chapter 524, Statutes of 2017.

AB 577 (Caballero) Disadvantaged communities. Expands the definition of "disadvantaged community," for purposes of eligibility to apply for funds from the State Water Pollution Cleanup and Abatement Account, to include a community with an annual per capita income that is less than 80% of the statewide annual per capita income.

Final Status: Held in the Assembly Environmental Safety and Toxic Materials Committee.

AB 1180 (Holden) California tire fee: Stormwater Permit Compliance Fund. As it was heard before the ESTM Committee, increases the California tire fee from \$1.75 to \$3.25, and directs the additional revenue to be available for grants for municipal stormwater projects that mitigate zinc pollution from tires. This bill was later amended to authorize the Los Angeles County Flood Control District to levy a special tax to manage stormwater.

Final Status: Signed into law, Chapter 617, Statutes of 2017.

AB 1438 (ESTM Committee) State Water Board: environmental laboratories: public water systems: certificates and permits: procedures. Makes conforming changes to the statutes governing the Environmental Laboratory Accreditation Act, including updates to the statutes to reference the current environmental lab accreditation standard; to establish administrative actions for enforcing the statute; and, to establish judicial review processes for lab permit revocation.

Final Status: Signed into law, Chapter 327, Statutes of 2017.

AB 1605 (Caballero) Maximum contaminant level: nitrate: replacement water. Exempts a person or entity who is providing replacement water as a substitution for drinking water that exceeds the maximum contaminant level for nitrate in groundwater from civil liability for causing pollution or a nuisance, public or private, to groundwater; liability for negligence; or, liability for trespass under common law if specified conditions are met.

Final Status: Held in the Assembly Environmental Safety and Toxic Materials Committee.

AB 2072 (Quirk) State Water Board: constituents of emerging concern. Requires the State Water Board to establish and maintain a dedicated program to research the potential effects of constituents of emerging concern in water sources on human and ecosystem health.

Final Status: Held in the Assembly Appropriations Committee.

AB 2379 (Bloom) Waste management: plastic microfiber. Requires, on or before January 1, 2020, all clothing composed of more than 50 percent synthetic material to bear a care label and a conspicuously visible label at the point of sale that states, "This garment sheds plastic microfibers when washed, which contributes to marine plastic pollution," or a similar statement as specified.

Final Status: Held on the Assembly Floor.

AB 2538 (Rubio) Municipal separate storm sewer systems: financial capability analysis. Requires the State Water Board to establish financial capability assessment guidelines for Municipal Separate Storm Sewer System permittees that are adequate and consistent when considering the costs to local jurisdictions.

Final Status: Vetoed by the Governor. The veto message stated:

"This bill would require the State Water Board to establish financial capability assessment guidelines for Municipal Separate Storm Sewer System permittees by July 1, 2019.

The State Water Board is currently working on guidelines to assist local agencies in estimating and tracking the cost of compliance with their stormwater permits. Additionally, the State Water Board and Regional Water Boards work with permittees to create customized compliance schedules and offer grants and loans.

Municipal finances are diverse and a generic financial analysis, as this bill suggests, will not meaningfully advance our understanding of the ability of municipalities to meet stormwater permitting requirements."

AB 2648 (Friedman) Civil actions: limitations: real property. Provides that the 10-year statute of limitation does not apply to an action for a personal injury resulting from water contamination due to a latent construction defect.

Final Status: Held in the Assembly Judiciary Committee.

AB 2828 (Friedman) Waste discharge requirements: produced water: oil and gas operations. Prohibits a Regional Water Board from approving new or amended waste discharge requirements that would increase the amount of oil produced water used for agricultural purposes, until and unless it finds that the California Council on Science and Technology has reviewed the best available independent scientific evidence and has found that use of oil produced water will not pose a significant risk to the public.

Final Status: Held in Assembly Environmental Safety and Toxic Materials Committee

AB 2919 (Frazier) Transportation: permits. Provides that a permit for a transportation project submitted by the Department of Transportation to a resource agency, as defined, shall be deemed approved within two years if the resource agency has not completed its review of the permit.

Final Status: Held in the Assembly Environmental Safety and Toxic Materials Committee.

AB 3116 (Cooley) Ballast water. Requires the owner, operator, or person in charge of a vessel capable of carrying ballast water into the coastal waters of the state to minimize the uptake of ballast water in areas designated by the State Lands Commission.

Final Status: Held in the Assembly Environmental Safety and Toxic Materials Committee.

SB 507 (Hueso) Tijuana River Valley. Authorizes funds originally granted to the County of San Diego in the 2014 Budget Act, and re-appropriated in the 2017 Budget Act, to be used for the improvement of the Tijuana River Valley and for the development of a planned campground.

Final Status: Signed into law, Chapter 542, Statutes of 2017.

SB 541 (Allen) Water: school facility water capture practices. Requires the State Water Board, in consultation with specified state and regional entities, to recommend best design and use practices for storm water and dry weather runoff capture that can generally be applied to all new, reconstructed, or altered public schools.

Final Status: Signed into law, Chapter 811, Statutes of 2017.

SB 623 (Monning) Water quality: Safe and Affordable Drinking Water Fund. Creates the Safe and Affordable Drinking Water Fund, administered by the State Water Board, and imposes water, fertilizer, and dairy fees to fund safe drinking water programs.

Final Status: Held in the Assembly Rules Committee.

SB 778 (Hertzberg) Water systems: consolidations: administrative and managerial services. Requires the State Water Board to post information on its website analyzing public water system consolidations and their successes or failures to date.

Final Status: Held in the Assembly Appropriations Committee.

SB 966 (Weiner) Onsite treated nonpotable water systems. Requires the State Water Board to develop standards for onsite nonpotable water treatment and reuse and authorizes local

jurisdictions to adopt programs to permit onsite nonpotable water treatment and reuse using those standards.

Final Status: Signed into law, Chapter 890, Statutes of 2018.

SB 1133 (Portantino) Water quality control plans: funding. Authorizes the State Water Board to, on behalf of itself or a Regional Water Board, accept donations of moneys from a permittee for the purpose of updating a water quality control plan, as consistent with the designated use of the funds.

Final Status: Signed into law, Chapter 355, Statutes of 2018.

SB 1215 (Hertzberg) Provision of sewer service: disadvantaged communities. Authorizes the Regional Water Boards to order the provision of sewer service to a disadvantaged community that has inadequate onsite sewage treatment systems.

Final Status: Signed into law, Chapter 982, Statutes of 2018.

SB 1263 (Portantino) Ocean Protection Council: Statewide Microplastics Strategy. Requires the Ocean Protection Council to adopt and implement a Statewide Microplastics Strategy that increases understanding of the scale and risks of microplastics pollution in the marine environment and identifies proposed solutions.

Final Status: Signed into law, Chapter 609, Statutes of 2018.

SB 1422 (Portantino) California Safe Drinking Water Act: microplastics. Requires the State Water Board to adopt requirements for the testing and reporting of the amount of microplastics in drinking water for four years.

Final Status: Signed into law, Chapter 902, Statutes of 2018.

SJR 22 (Hueso) Tijuana River Valley. Urges the federal government and the United States Section of the International Boundary and Water Commission to take immediate action to adequately address cross-border pollution in the Tijuana River Valley.

Final Status: Chaptered by Secretary State, Resolution Chapter 241, Statutes of 2018.

2017 – 2018 Oversight, Informational, & Initiative Hearings

Oversight Hearing on Proposition 65 Update: Toxic Chemical Exposure: Protecting and Informing the Public

In 1986, California voters approved, by a 63-37 percent margin, a ballot initiative, the Safe Drinking Water and Toxic Enforcement Act of 1986, commonly referred to as Proposition 65, to address their concern that "hazardous chemicals pose a serious potential threat to their health and well-being, [and] that state government agencies have failed to provide them with adequate protection..."

Proposition 65 requires the state to publish a list of chemicals known to cause cancer or birth defects or other reproductive harm. This list, which must be updated at least once a year, currently includes approximately 950 chemicals. The Office of Environmental Health Hazard Assessment (OEHHA) implements the Proposition 65 program, including facilitating the scientific and regulatory work associated with identifying and listing chemicals that cause cancer or reproductive toxicity and adopting and maintaining the implementing regulations. The law is enforced by the Attorney General, district attorneys, certain city attorneys, and individuals or groups acting in the public interest.

Under Proposition 65, businesses in California are required to provide a "clear and reasonable" warning before knowingly and intentionally exposing anyone to a Proposition 65-listed carcinogen or reproductive toxin. Warnings can be made in a variety of ways, including by labeling a consumer product, posting signs, distributing notices, or publishing notices in a newspaper. Once a chemical is listed, businesses have 12 months to comply with warnings requirements. Current Proposition 65 warnings are familiar to California consumers.

Proposition 65 also prohibits companies that do business within California from knowingly discharging listed carcinogens and reproductive toxins into sources of drinking water. Once a chemical is listed, businesses have 20 months to comply with the discharge prohibition.

Businesses with less than 10 employees and government agencies are exempt from Proposition 65's warning requirements and prohibition on discharges into drinking water sources. Businesses are also exempt from the warning requirement and discharge prohibition if the exposures they cause are so low as to create no significant risk of cancer or birth defects or other reproductive harm.

According to the Office of the Attorney General, the provisions of Proposition 65 have been successful at protecting consumers from toxic chemicals by several means, as follows. Notices of violation or litigation under Proposition 65 has motivated businesses to eliminate or reduce listed, or likely to be listed, toxic chemicals in numerous consumer products. Proposition 65 has also resulted in significant reductions in toxic air pollution – both outdoor and indoor. Proposition 65 has prompted "quiet compliance" without the need for litigation, in which manufacturers voluntarily take steps to comply by avoiding, or significantly limiting exposure to, listed chemicals. The law has also educated the general public about exposures to specific toxic chemicals, creating both demand and market reward for less-toxic products. Finally, Proposition 65 litigation has identified specific chemical exposure concerns and led to regulatory reforms to benefit public health at the state and national level.

According to OEHHA, although Proposition 65 has benefited Californians, it has come at a cost for companies doing business in the state. Businesses have incurred expenses to test products, develop alternatives to listed chemicals, reduce discharges, provide warnings, and otherwise comply with the law. Recognizing that compliance with Proposition 65 comes at a price, OEHHA asserts that it is working to make the law's regulatory requirements as clear as possible and ensure that chemicals are listed in accordance with rigorous science in an open public process.

In 2013, Governor Edmund G. Brown called for changes to Proposition 65 to, "require more useful information to the public on what they are being exposed to and how they can protect themselves."

To make Proposition 65 warnings more meaningful and useful for the public; to reduce "over-warning," in which businesses provide unnecessary warnings; and, to give businesses clearer guidelines on how and where to provide warnings, in August 2016, OEHHA adopted amended regulations for the provision of "clear and reasonable" Proposition 65 warnings. The new regulations were effective on August 30, 2018.

- **August 22, 2017 – Sacramento.** The ESTM Committee held an oversight hearing to examine the challenges to, and potential solutions for, improving public information and industry compliance under Proposition 65. The Committee asked witnesses to provide an overview of how Proposition 65 works, including a synopsis of the intended benefits of the Proposition. The Committee also investigated how and whether OEHHA's 2016 amendment to the Proposition 65 warnings regulations better inform the public and make compliance more straightforward for businesses.

Informational Hearing on Hazardous Waste Management: Update on DTSC's Work in Our Communities

The DTSC regulates the management of hazardous waste in California and is responsible for administering the hazardous waste facility permitting program established under the California Hazardous Waste Control Law and the federal Resource Conservation and Recovery Act. A person in California who generates hazardous waste is required to manage that waste according to certain state and federal requirements, including only using hazardous waste transporters registered by the DTSC and shipping the hazardous waste to a permitted hazardous waste facility. Effective permitting and enforcement of these hazardous waste facilities is paramount to protecting human health and safety and the environment. Many of these permitted hazardous waste facilities are located in communities with vulnerable populations, and inadequate permits or lax enforcement could severely impact the quality of life there.

A hazardous waste facility permit granted by the DTSC authorizes a facility to transfer, treat, store, or dispose of hazardous waste. Presently there are 118 permitted hazardous waste facilities in California. Federal and state law allows facilities with expired permits to continue to operate if the facility has submitted an application for renewal that is administratively complete in advance of the permit expiration date. These types of permits (i.e., expired permits for a facility that has submitted an administratively complete application for a permit renewal) are referred to as "continued permits".

Over the past several years, there have been many criticisms levied at the DTSC. Community groups that live near hazardous waste facilities are concerned that the DTSC is not properly enforcing state and federal law and allowing facilities to operate with an expired permit or have numerous violations of state law and regulation. Additionally, the regulated community is concerned about the length of time it takes the DTSC to process a permit, with processing time extending years beyond the expiration date of their permit.

These concerns about the DTSC has reached the Legislature, leading to several oversight hearings of the DTSC's programs, oversight hearings over the DTSC's budget, and more than ten pieces of legislation aiming to make improvements to the DTSC's permitting and enforcement programs. In 2015, the Legislature passed and the Governor signed SB 83 (Budget Committee, Chapter 24, Statutes of 2015), which created a three person Independent Review Panel to make recommendations to the Legislature and Governor on the DTSC's progress in reducing permitting and enforcement backlogs, improving public outreach, and improving fiscal management. The DTSC has responded to these concerns by conducting reviews of its

programs, both internally and with outside expertise, requesting additional staff through the budget process, and implementing significant programmatic changes.

- **June 27, 2017 – Sacramento.** The ESTM Committee held an informational hearing to provide the Committee and the public with an update from the Director of the DTSC on the DTSC's progress on improving the hazardous waste permitting and enforcement programs.

Oversight Hearing on Childhood Lead Poisoning Prevention Program: **Status of Testing Low-Income Children for Lead Exposure**

Lead has been listed under California's Proposition 65 since 1987 as a substance that can cause reproductive damage and birth defects, and has been listed as a chemical known to cause cancer since 1992. Lead exposure and lead poisoning are also associated with cognitive and other health impacts, especially to children, that appear irreversible. Childhood lead exposure may have significant costs in terms of lifetime productivity loss due to lower cognitive attainment in afflicted children. There is no level of lead that has been proven safe, either for children or for adults.

Millions of children are exposed to lead in their homes through lead paint and other sources, increasing their risks for damage to the brain and nervous system; slowed growth and development; learning and behavior problems; and, hearing, and speech impairment.

Although all children are at risk for lead exposure, poor and minority children are disproportionately affected. Low-income children tend to live in older and less maintained housing, where lead exposure from old paint is a higher risk. Lead exposure is a result of poverty as well as a contributor to the cycle that perpetuates and deepens the state of being poor. The only way to know if a child is lead poisoned is to order a blood lead test.

The CDPH administers the Childhood Lead Poisoning Prevention Act (Act) to eliminate childhood lead poisoning by identifying and providing public health services to lead-burdened children and by preventing environmental exposures to lead.

Under the CDPH's regulations for the Act, all children enrolled in a low-income government assistance program, which includes Medi-Cal, Women Infants and Children, Supplemental Nutritional Assistance Program, the Targeted Low Income Children's Program, formerly known as Healthy Families, or the Child Health and Disabilities Program, should receive a blood lead test at 12 and 24 months of age, as these children are automatically considered "high risk." The regulations also require children not tested at those ages to be tested at any time up to 72 months of age, when the health care provider determines that the child was not tested as required.

According to data that was provided by the Department of Health Care Services (DHCS), in January 2018, there were 682,330 children ages one and two years old continuously enrolled in Medi-Cal in 2012, and only 192,399 of them were blood lead tested, indicating that only 28% of children were tested.

Since many children who are experiencing daily lead exposure may not be receiving blood lead screening, they consequently are not receiving needed public health services to address their exposure.

Ensuring that children are tested for lead is imperative to identifying who is being exposed to lead and who may be lead-burdened, and to providing critical resources to abate those lead sources.

- **February 13, 2018 – Sacramento.** The ESTM Committee held an oversight hearing to better understand the compliance rate for testing children on state assistance programs for lead exposure. The Committee sought to better understand how our state health departments track children on state programs, such as Medi-Cal, to ensure they are receiving the blood lead tests they should. If children are not being tested, the Committee wanted to know from the departments what, if any, obstacles may lie in the way of achieving stronger compliance with the mandate to blood lead test all low-income children.

At the hearing, the DHCS Director Jennifer Kent committed to coordinate with the CDPH to have more comparable data so that the two departments can determine how many children on Medi-Cal are currently being tested for lead exposure, and the DHCS has since reported back to ESTM on that coordination. Knowing the compliance rate will enable the CDPH to make any necessary changes to the Childhood Lead Poisoning Prevention Program, or changes to the way it administers the Program, in order to fully effectuate its own requirement to test 100% of those children.

Oversight Hearing on Overview and Final Recommendations of the Department of Toxic Substances Control's Independent Review

In 2015, the Legislature passed and the Governor signed, SB 83 (Budget Committee, Chapter 24, Statutes of 2015), which established within the DTSC a three-member Independent Review Panel (IRP) to review and make recommendations regarding improvements to the DTSC's permitting, enforcement, public outreach, and fiscal management. Statute stipulates that the IRP membership is comprised of a community representative, a person with scientific experience related to toxic materials, and a local government management expert. Pursuant to SB 83, the IRP was authorized until January 1, 2018. Over the course of its term, the IRP conducted 24 public meetings and released 11 progress and annual reports.

The IRP is required to submit recommendations to the Governor and Legislature at the time of each submission of the Governor's budget, 90 days after the IRP was initially appointed, and every 90 days thereafter on the DTSC's progress in reducing permitting and enforcement backlogs, improving public outreach, and improving fiscal management.

On January 8, 2018, the IRP released its final report and recommendations concluding: "DTSC has implemented, or is working on, most of the IRP's recommendations and has achieved, or partially achieved, many of the IRP's suggested performance metrics. However, there is more work to be done."

- **February 14, 2018 – Sacramento.** The ESTM Committee, jointly with the Senate Environmental Quality Committee, held an oversight hearing to obtain an overview of, and hear the final recommendations of, the DTSC IRP from Gideon Kracov, Former Chair, DTSC IRP.

Initiative Hearing on Initiative Statute: Eliminates Certain Liability for Lead-Paint Manufacturers, Authorizes Bonds to Fund Structural and Environmental Remediation Projects. (#1845)

In April 2018, the Secretary of State certified that at least 25% of the 365,880 signatures required to qualify an initiative for the November 2018 ballot had been obtained for the initiative entitled, "Eliminates Certain Liability for Lead-Paint Manufacturers. Authorizes Bonds to Fund Structural and Environmental Remediation Projects."

The initiative proposed authorizing the state to sell \$2 billion in general obligation bonds to fund the remediation of environmental and structural hazards—such as mold, asbestos, radon, water, pests, ventilation, and lead hazards—in homes, schools, and senior facilities.

Of this total, \$1.5 billion would be given as grants to owners of housing, with \$1.2 billion set aside for single family and small multifamily homes. Additionally, \$400 million would be given to schools and \$100 million to senior housing and assisted living facilities as competitive grants for remediation of structural and environmental hazards.

The initiative would overturn the California appellate court decision, *People v. ConAgra Grocery Products Co.* (2017) 17 Cal.App.5th 51, that found three particular lead-paint manufacturers liable for lead-paint as a public nuisance in ten jurisdictions of the state. The initiative would also prohibit future courts—in cases pending on or after November 1, 2017— from relying on *People v. ConAgra Grocery Products Co.* as a precedent for claims that lead-based paint in homes is responsible for causing a public nuisance in other jurisdictions of the state. The initiative would additionally prohibit any local government from using the public nuisance law to file a lawsuit against lead paint manufacturers for lead paint contamination in their jurisdiction, even if there was evidence that the lead paint companies knowingly sold harmful lead paint.

State law, pursuant to Section 9034 of the California Elections Code (SB 1253, Steinberg, Chapter 967, Statutes of 2014) requires the State Legislature to hold a public hearing on a proposed initiative once 25% of the total number of signatures required to qualify an initiative for the ballot are obtained, and requires that the hearing is held no later than 131 days before the election. The initiative proponent ultimately pulled the initiative from the ballot on June 28, 2018.

- **May 23, 2018, – Sacramento.** The ESTM Committee, jointly with the Assembly Committee on Housing and Community Development, the Assembly Committee on Judiciary, and the Senate Committee on Environmental Quality, held an initiative

hearing on the November 6, 2018, proposed ballot initiative, "Eliminates Certain Liability for Lead-Paint Manufacturers. Authorizes Bonds to Fund Structural and Environmental Remediation Projects."

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