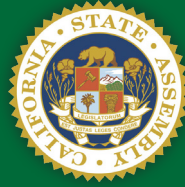
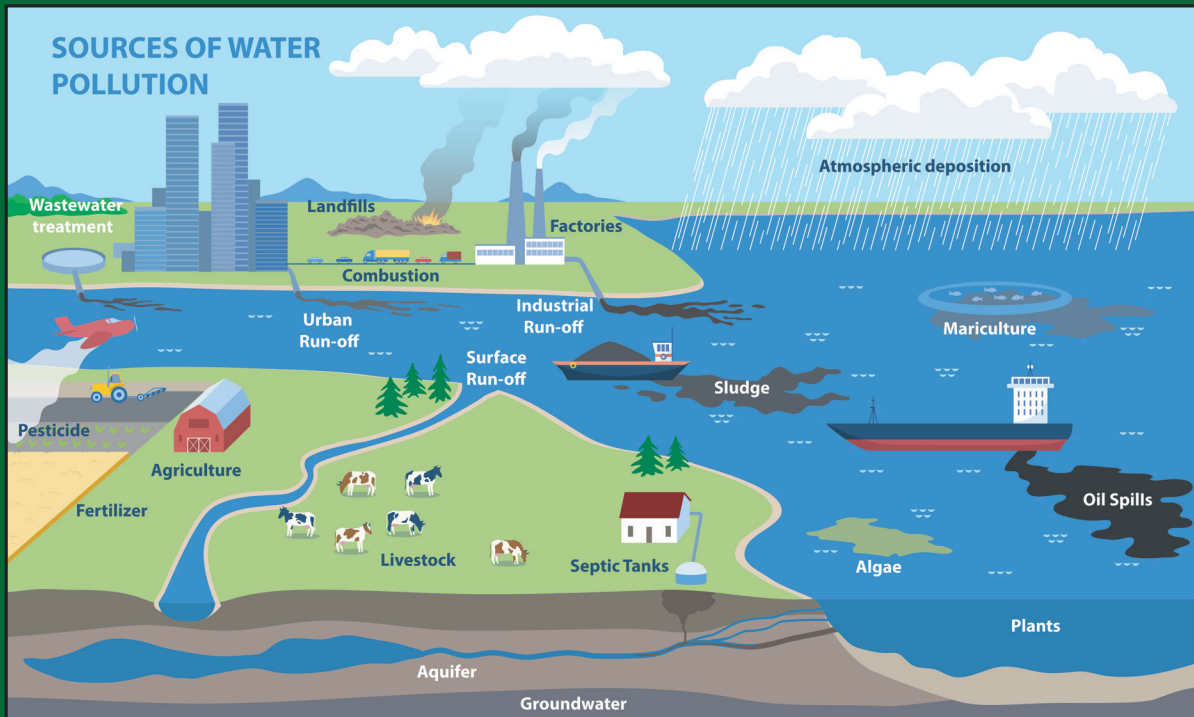


Assembly Committee on
Environmental Safety and Toxic Materials

2021 – 22 Legislative Summary



Bill Quirk, Ph.D., Chair



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Manar Zaghlula, PhD, Science and Technology Fellow, 2022

Committee Secretary

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**ASSEMBLY COMMITTEE ON
ENVIRONMENTAL SAFETY AND TOXIC MATERIALS
2021 - 2022 LEGISLATIVE SUMMARY**

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COMMITTEE SECRETARY

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2021 - 2022 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
CUPA	Certified Unified Program Agency
DPR	Department of Pesticide Regulation
DTSC	Department of Toxic Substances Control
DWR	Department of Water Resources
ESTM Committee	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

In the California State Assembly, the Environmental Safety and Toxic Materials Committee (ESTM Committee) maintains jurisdiction over a range of issues, including policy on toxic substances and hazardous materials, hazardous waste regulation, drinking water regulation, recycled water, water quality, environmental justice, and pesticides. During the 2021-2022 Regular Legislative Session, 92 measures were referred to the ESTM Committee, 62 of which were related to drinking water, hazardous waste, and water quality.

This report contains summaries of all of the bills referred to the ESTM Committee during the 2021-2022 Regular Legislative Session. Bills are listed categorically based on the main subject of the bill. When a bill spanned several subject categories, an effort was made to place it into the most appropriate category. 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 Gavin Newsom.

Since its initial spread in 2020, the novel coronavirus SARS-CoV-2 and its associated disease, COVID-19, have greatly impacted the state of California and the world. Repeated COVID-19 surges continued to prove disruptive throughout 2021 and 2022. For instance, there were fewer in-person informational and oversight hearings in 2021 than in pre-COVID-19 years. Despite these challenges, in 2021 and 2022 the ESTM Committee continued to elevate key issues in the environmental safety space by holding legislative hearings, as well as three oversight and informational hearings focused 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 ESTM Committee includes the following policy areas:

Cleanup of contaminated sites, federal Superfund sites

Drinking water regulation, recycled water

Emergency response relating to hazardous materials

Environmental justice

Hazardous waste management, regulation, remediation, and enforcement

Medical waste management

Nuclear waste

Pesticide regulation

Proposition 65

Regulation of consumer products containing toxic substances; consumer product safety

Toxic air contaminants, indoor air quality

Toxic substances, hazardous materials

Underground storage tank regulation and cleanup

Water quality, toxic contamination of water, stormwater regulation

Wastewater

2021 – 2022 Legislative Summary

Consumer Product Safety

AB 652 (Friedman) Product safety: juvenile products: chemicals: perfluoroalkyl and polyfluoroalkyl substances (PFAS). Prohibits, on or after July 1, 2023, a person from selling or distributing in commerce any new juvenile products that contain regulated PFAS.

Final Status: Signed into law, Chapter 500, Statutes of 2021.

AB 818 (Bloom) Solid waste: premoistened nonwoven disposable wipes. Requires nonwoven disposable wipes manufactured on or after July 1, 2022 to be labeled clearly and conspicuously to communicate that they should not be flushed; prescribes specified "Do Not Flush" symbols, size, and location requirements for the label; establishes enforcement provisions; establishes a consumer education and outreach program; and, sunsets the program on December 31, 2026.

Final Status: Signed into law, Chapter 590, Statutes of 2021.

AB 1200 (Ting) Plant-based food packaging: cookware: hazardous chemicals. Prohibits, commencing January 1, 2023, the sale of food packaging that contains PFAS; requires, commencing January 1, 2024, cookware manufacturers to label their product if it contains an intentionally added chemical on specified lists; and prohibits, commencing January 1, 2023, for the internet and January 1, 2024, for cookware packaging, a cookware manufacturer from making a claim that cookware is free of a chemical, unless no chemical from that chemical class is intentionally added to the cookware.

Final Status: Signed into law, Chapter 503, Statutes of 2021.

AB 1817 (Ting, C. Garcia) Product safety: textile articles: PFAS. Prohibits, commencing January 1, 2025, a person from manufacturing, distributing, selling, or offering for sale in the state a new textile article, as defined, that contains regulated PFAS.

Final Status: Signed into law, Chapter 762, Statutes of 2022.

AB 1903 (Smith) Green Ribbon Science Panel: meetings. Increases the number of times the Green Ribbon Science Panel is required to meet to at least 3 times each year.

Final Status: Held in the ESTM Committee.

AB 2208 (Kalra) Fluorescent lamps: sale and distribution: prohibition. Bans the offer for final sale, final sale, or distribution of compact fluorescent lamps commencing January 1, 2024, and linear fluorescent lamps commencing January 1, 2025, and makes exemptions for relevant products and applications.

Final Status: Signed into law, Chapter 409, Statutes of 2022.

AB 2247 (Bloom) PFAS substances and PFAS products and product components: publicly accessible data collection interface. Requires, on or before July 1, 2026, and on or before July 1 each year thereafter, a manufacturer of PFAS or of a product or product component containing intentionally-added PFAS that is sold, offered for sale, or distributed into the state during the prior calendar year to register the PFAS or the product or product component on the publicly accessible data collection interface implemented by DTSC and with an existing multi-state chemical data collection entity.

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

"This bill requires the Department of Toxic Substances Control (DTSC) to contract with a multistate chemical data collection entity to create a publicly accessible reporting platform where manufacturers must annually register products or product components sold or distributed in the state containing perfluoroalkyl and polyfluoroalkyl substances (PFAS). Through the Safer Consumer Products Program, DTSC utilizes technical expertise and best available data to protect consumers and the environment. DTSC also partners closely with U.S. EPA, which is currently undergoing rulemaking to require reporting of PFAS. Based on this activity, this bill may be premature. This bill is estimated to cost millions of dollars that would result in increased Environmental Fee rates or General Fund resources for the new contract, staff support, and state oversight responsibilities. With our state facing lower-than-expected revenues over the first few months of this fiscal year, it is important to remain disciplined when it comes to spending. The Legislature sent measures with potential costs of well over \$20 billion in one-time spending commitments and more than \$10 billion in ongoing commitments not

accounted for in the state budget. Bills with significant fiscal impact, such as this measure, should be considered and accounted for as part of the annual budget process."

AB 2771 (Friedman) Cosmetic products: safety. Prohibits, commencing January 1, 2025, any person or entity from manufacturing, selling, delivering, holding, or offering for sale in commerce any cosmetic product that contains intentionally added PFAS.

Final Status: Signed into law, Chapter 804, Statutes of 2022.

SB 502 (Allen) Hazardous materials: green chemistry: consumer products. Updates and reforms California's Safer Consumer Products (Green Chemistry) program, including, among other things, creating a streamlined alternatives analysis process; requiring manufacturers to, upon request, provide specified information to DTSC; authorizing DTSC to enforce product chemical information request violations through a civil penalty of \$50,000; and, requiring DTSC to include specified plans and timelines for regulating priority products in its triennial Priority Product Work Plan.

Final Status: Signed into law, Chapter 701, Statutes of 2022.

Drinking Water

AB 100 (Holden) Drinking water: endpoint devices: lead content. Requires, commencing January 1, 2023, manufacturer compliance with a specified lower lead leaching standard for faucets and other end point devices used for providing drinking water, and prohibits all sales of such products that do not meet the new standard beginning July 1, 2023. Requires labeling of products that comply with the definition of "lead free" to indicate compliance in an easily identifiable manner.

Final Status: Signed into law, Chapter 692, Statutes of 2021.

AB 588 (E. Garcia) Safe Drinking Water Act: compliance. Requires the State Water Board, when adopting primary drinking water standards, to provide a compliance period of not less than 30 days and not more than 3 years for the drinking water standard.

Final Status: Held in the ESTM Committee.

AB 736 (Mathis) Safe Drinking Water State Revolving Fund: internet website information: updates. Requires the State Water Board to annually, instead of biennially, post information on its internet website and send a link of the internet website to the Legislature regarding implementation of the law and expenditures from the Safe Drinking Water State Revolving Fund.

Final Status: Held in the ESTM Committee.

AB 1195 (C. Garcia) Drinking water. As heard in the ESTM Committee, creates the Southern Los Angeles County Human Right to Water Collaboration Act, and requires the State Water Board to appoint a Commissioner to implement the Safe and Affordable Funding for Equity and Resilience Program in southern Los Angeles County. This bill was later amended to make changes to existing law relating to the Limited Examination and Appointment Program and referral lists to a state appointing power.

Final Status: Signed into law, Chapter 892, Statutes of 2022.

AB 1250 (Calderon) Water and sewer system corporations: consolidation of service. Establishes timeframes by which the California Public Utilities Commission is required to take action on a request for a water system consolidation.

Final Status: Signed into law, Chapter 711, Statutes of 2021.

AB 1428 (Quirk) Safe Drinking Water Act: applicability. Removes the ability of certain water districts to self-certify that the water they provide achieves an equivalent level of public health protection as the protection provided by applicable drinking water regulations.

Final Status: Signed into law, Chapter 64, Statutes of 2021.

AB 1931 (L. Rivas) Community water systems: lead service lines. Requires a community water system to create an inventory of lead service lines in its distribution system and to create a timeline for the replacement or removal of lead services lines that the community water system owns.

Final Status: Held in the Senate Appropriations Committee on the Suspense File.

AB 1953 (Maienschein) Drinking water: accessible water bottle refill stations. Requires, by January 1, 2025, the owner or operator of a transit hub, local park, public building, publicly owned building, shopping mall, or golf course to install and maintain at least one accessible water bottle refill station at the transit hub, local park, public building, publicly owned building, shopping mall, or golf course.

Final Status: Held in the Assembly Appropriations Committee on the Suspense File.

AB 2041 (E. Garcia) California Safe Drinking Water Act: primary drinking water standards: compliance. Requires the State Water Board to work with public water systems it has determined may not be able to comply with a future primary drinking water standard without receiving financial assistance to develop a compliance plan for those water systems.

Final Status: Held in the Assembly Appropriations Committee on the Suspense File.

AB 2638 (Bloom) School facilities: drinking water: water bottle filling stations. Requires that a new school construction or school modernization project submitted to the Division of State Architect by a school district or governing body of a charter school includes one or more water bottle filling stations, as specified.

Final Status: Signed into law, Chapter 793, Statutes of 2022.

AB 2811 (Bennett) California Building Standards: recycled water: nonpotable water systems. Requires, by January 1, 2024, all newly constructed nonresidential buildings to be constructed with dual plumbing to allow the use of recycled water for all applicable nonpotable water demands.

Final Status: Held in the ESTM Committee.

AB 2877 (E. Garcia) Safe and affordable drinking water: tribes. Requires the State Water Board, when administering funds under the Safe and Affordable Drinking Water Fund (Fund), to, in order to serve both the individual needs of the tribe and make the funding agreement enforceable, narrowly draft any waiver of tribal sovereign immunity for a tribe that is an eligible recipient under the fund.

Final Status: Signed into law, Chapter 481, Statutes of 2022.

SB 222 (Dodd) Water Affordability Assistance Program. Requires the State Water Board to develop and administer a statewide Water Rate Assistance Program to provide rate assistance to low-income residential ratepayers of a community water system or wastewater system.

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

"This bill establishes a Water Rate Assistance Program and Water Rate Assistance Fund to provide water affordability assistance for drinking and wastewater services to low-income ratepayers. The State Water Resources Control Board would be required to administer the program, and community water systems and wastewater systems would be subsequently required to provide rate assistance to residential ratepayers. This is a permanent program that would not be implemented or initiated until funding is provided. At this time, there is no sustainable, ongoing funding identified. Lowering costs and making sure that Californians have access to safe and affordable drinking water is a top priority of this administration. The last two budgets have provided billions in rebates, debt relief, assistance grants, and free support services. For water costs alone, the 2021-22 Budget provided \$1 billion to the State Water Board for the California Water and Wastewater Arrearage Payment Program, which cleared unpaid water and wastewater debts resulting from the pandemic. This year, our 2022-23 budget added an additional \$200 million to the Low-Income Household Water Assistance Program at the Department of Community Services and Development. These are programs that were both approved and funded by the Legislature. I commend the author and stakeholders for their work during this Legislative session to craft a vision for such a program. However, this bill does not have any environmental justice funding identified, and because it is an ongoing program that would require all community water systems and wastewater systems to participate, signing this policy would result in significant General Fund pressures in the billions of dollars to continuously provide such assistance. With our state facing lower-than-expected revenues over the first few months of this fiscal year, it is important to remain disciplined when it comes to

spending, particularly spending that is ongoing. The Legislature sent measures with potential costs of well over \$20 billion in one-time spending commitments and more than \$10 billion in ongoing commitments not accounted for in the state budget. Bills with significant fiscal impact, such as this measure, should be considered and accounted for as part of the annual budget process."

SB 230 (Portantino) State Water Board: constituents of emerging concern in drinking water.

Authorizes the State Water Board to establish, maintain, and direct a dedicated program called the Constituents of Emerging Concern (CEC) in Drinking Water Program. Authorizes a deputy director of the State Water Board to convene a Science Advisory Panel to review and provide recommendations to the State Water Board on CECs in drinking water.

Final Status: Signed into law, Chapter 676, Statutes of 2022.

SB 403 (Gonzalez) Drinking water: consolidation. Authorizes the State Water Board to order the consolidation of at-risk domestic wells and at-risk water systems.

Final Status: Signed into law, Chapter 242, Statutes of 2021.

SB 776 (Gonzalez) Safe drinking water and water quality. Authorizes the State Water Board to adopt specified regulations pertaining to water analysis as emergency regulations under the Administrative Procedure Act; expands application of specified provisions of the California Safe Drinking Water Act to state small water systems; and makes changes to statute guiding implementation of the Safe and Affordable Drinking Water Fund.

Final Status: Signed into law, Chapter 187, Statutes of 2021.

SB 1124 (Archuleta) Public health goal: primary drinking water standard: manganese.

Requires OEHHA to publish a public health goal for manganese; requires the State Water Board to adopt a primary drinking water standard, establish monitoring requirements, and consider establishing a notification level or response level for manganese; authorizes the State Water Board to continue providing funding for treatment, source protection, and alternative water supplies; and authorizes the State Water Board to require community water systems to monitor manganese in their source waters and distribution systems.

Final Status: Held in the Assembly Appropriations Committee on the Suspense File.

SB 1144 (Weiner) Water efficiency and quality assessment reports: state buildings and public school buildings. Requires, by January 1, 2027, the operator of a building owned or operated by a state agency or public school to complete a water efficiency and quality assessment report for each covered building.

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

"This bill requires public schools and state buildings to complete a water efficiency and quality assessment report on their facilities and create a Legionella Management Program for every building over ten stories high with a cooling tower system. Operating agencies would be required to take various remediation and mitigation actions based on the results. Improving the quality of drinking water in our state's buildings and schools is a priority we share. California's Safe Drinking Water Act tasks the State Water Board with ensuring that public water systems provide uncontaminated, quality, potable water to consumers. The Board regulates water systems; however, oversight of internal plumbing at the individual building level is not a function of the Board. Developing new expertise to adequately implement this bill and develop regulations would require significant new staff and resources. The scope of this bill is broad, including not just public schools, charter schools, and state buildings, but also buildings leased, maintained, and occupied by a state agency. Implementing this policy would result in substantial, ongoing General Fund and Prop 98 costs in the hundreds of millions of dollars not accounted for in the budget. With our state facing lower-than-expected revenues over the first few months of this fiscal year, it is important to remain disciplined when it comes to spending, particularly spending that is ongoing. We must prioritize existing obligations and priorities, and this bill could force state agencies and public schools to choose between its implementation and other critical needs. The Legislature sent measures with potential costs of well over \$20 billion in one-time spending commitments and more than \$10 billion in ongoing commitments not accounted for in the state budget. Bills with significant fiscal impact, such as this measure, should be considered and accounted for as part of the annual budget process."

SB 1188 (Laird) Safe Drinking Water State Revolving Fund: financial assistance. Authorizes the State Water Board to provide grants, principal forgiveness funding, and zero percent financing from the state's Drinking Water State Revolving Fund by deleting certain existing

requirements, including limiting such funding to water systems serving severely disadvantaged communities.

Final Status: Signed into law, Chapter 680, Statutes of 2022.

SB 1219 (Hurtado) 21st century water laws and agencies: committee. Requires the Secretary of the Natural Resources Agency and the Secretary for CalEPA to convene a committee to develop and submit, on or before December 31, 2024, to the Governor and Legislature a strategic vision for a modern 21st century set of water laws and regulations.

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

SB 1254 (Hertzberg) Drinking water: administrator: managerial and other services. Authorizes the State Water Board to appoint an administrator for an at-risk water system and limits the liability of a water system administrator appointed by the State Water Board.

Final Status: Signed into law, Chapter 681, Statutes of 2022.

Hazardous Materials

AB 304 (Quirk) Contaminated sites: waste releases or surface or groundwater contamination: local oversight: remedial actions. Provides state oversight and sets requirements for local officers overseeing remedial investigations and remedial actions at sites with released hazardous waste.

Final Status: Signed into law, Chapter 698, Statutes of 2021.

AB 480 (Carrillo) Hazardous materials. Authorizes a CUPA, in the event of a hazardous waste spill or release that the CUPA reasonably determines poses an imminent and substantial endangerment to public health, to take actions to protect the health and safety of the public.

Final Status: Signed into law, Chapter 743, Statutes of 2021.

AB 870 (Santiago) Hazardous materials: liens. Requires DTSC to provide responsible parties with an estimate of the costs to complete a response or corrective action and establishes that estimated costs constitute a claim and lien upon the real property by the responsible party. Establishes that the lien for the recovery of response or corrective actions costs takes priority over all other liens.

Final Status: Held in the ESTM Committee.

AB 1024 (Santiago) Hazardous substances: cleanups: milestones and contracting. Requires DTSC to post on its internet website easily accessible information for each contaminated site cleanup project, as specified. Additionally, requires that moneys recovered by the State from responsible parties relating to the Exide Technology (Exide) cleanup site be used to repay the General Fund, the Lead Acid Battery Cleanup Fund, and any other fund sources for costs incurred during the cleanup of contaminated sites near Exide.

Final Status: Signed into law, Chapter 474, Statutes of 2021.

AB 1350 (Patterson) DTSC: Environmental Fee: exemption. Would exempt organizations with fewer than 100 employees from paying the Environmental Fee until January 1, 2025.

Final Status: Held in the ESTM Committee.

AB 1553 (O'Donnell) Southern Los Angeles Ocean Chemical Waste Community Oversight Council. Establishes the Southern Los Angeles Ocean Chemical Waste Community Oversight Council under CalEPA to oversee the study and mitigation of toxic waste at "Dumpsite-2," the dichloro-diphenyl-trichloroethane (DDT) dumpsite off the California coast.

Final Status: Held in the Assembly Appropriations Committee.

AB 2059 (Carrillo) Hazardous materials business and area plans: consumer products: recordkeeping. Requires specified suppliers of hazardous materials to maintain records of sales and provisions of hazardous materials of specified quantities to a business in the state for at least one year and to provide such records to a CUPA within five days of a request. Narrows the definition of retail establishment for purposes of hazardous material reporting and limits

current exemptions of specified consumer products from inclusion in a business plan for emergency response to a release or threatened release.

Final Status: Signed into law, Chapter 278, Statutes of 2022.

AB 2293 (ESTM) Carpenter-Presley-Tanner Hazardous Substance Account Act: recodification. Reorganizes the provisions of the Carpenter-Presley-Tanner Hazardous Substance Account Act (HSAA) without making any substantive changes to the statute.

Final Status: Signed into law, Chapter 257, Statutes of 2022.

AB 2327 (ESTM) Carpenter-Presley-Tanner Hazardous Substance Account Act: conforming revisions. Updates code sections that cross-reference the HSAA, as proposed to be reorganized by AB 2293 (ESTM Committee).

Final Status: Signed into law, Chapter 258, Statutes of 2022.

AB 2419 (Bryan) Environmental justice: federal Infrastructure Investment and Jobs Act: Justice40 Advisory Committee. Requires a state agency administering federal funds under the federal Infrastructure Investment and Jobs Act, as specified, to allocate a minimum of 40% of those funds to projects that provide a direct benefit to disadvantaged communities and an additional 10% to projects that provide direct benefits to low-income households.

Final Status: Held in the Senate Appropriations Committee on the Suspense File.

AB 2758 (O'Donnell) Southern Los Angeles: ocean dumpsites: chemical waste. Requires CalEPA to hold public meetings with relevant local, state, and federal agencies on efforts to study and mitigate DDT off the coast of California.

Final Status: Held in the Senate Appropriations Committee on the Suspense File.

SB 37 (Cortese) Contaminated Site Cleanup and Safety Act. Updates the statutory provisions dealing with a consolidated list of hazardous waste sites and hazardous substances sites compiled by various state agencies and posted on the CalEPA website. Additionally, prohibits a

project from using the "common sense" exemption under the California Environmental Quality Act (CEQA) for a project at any site on the Cortese List, except for projects that meet specified conditions.

Final Status: Held on the Assembly Floor, Inactive File.

SB 1076 (Archuleta) Lead-based paint. Requires CDPH to promulgate regulations governing lead-related construction work to conform to USEPA's Lead Renovation, Repair, and Painting Rule.

Final Status: Signed into law, Chapter 507, Statutes of 2022.

Hazardous Waste

AB 1 (C. Garcia) Hazardous waste. As heard by the ESTM Committee: creates the Board of Environmental Safety (Board) within CalEPA to provide policy direction to and oversight of DTSC. Raises and recasts existing fees within the Hazardous Waste Control Account (to fill a projected deficit of approximately \$18 million). The contents of the bill were later deleted and the bill was amended to include provisions related to the lead acid battery recycling fee.

Final Status: Held on the Senate Floor, Inactive File.

AB 318 (Levine) Hazardous waste: classification: cannabis waste. Requires DTSC to provide guidance to CUPAs on how to characterize cannabis waste under existing code and regulations. Authorizes DTSC to adopt regulations that establish alternative management standards for the management of cannabis waste.

Final Status: Held on the Assembly Floor.

AB 332 (ESTM) Hazardous waste: treated wood waste: management standards. Authorizes treated wood waste to be managed under alternative management standards instead of as a hazardous waste.

Final Status: Signed into law, Chapter 147, Statutes of 2021.

AB 684 (Fong) Hazardous waste: treated wood waste. Requires DTSC to adopt regulations to set alternative management standards for treated wood waste instead of it being managed as hazardous waste. Adds specified requirements that DTSC must include in the regulations.

Final Status: Held in the ESTM Committee.

AB 698 (ESTM) Hazardous waste: small quantity generator. Updates terms within the California Hazardous Waste Control Law to conform to recent changes in federal hazardous waste regulation promulgated by USEPA under their Generator Improvement Rule.

Final Status: Signed into law, Chapter 153, Statutes of 2021.

AB 707 (Quirk) Mercury Thermostat Collection Act of 2021. Revises the Mercury Thermostat Collection Act of 2008 and establishes it as the Mercury Thermostat Act of 2021.

Final Status: Signed into law, Chapter 703, Statutes of 2021.

AB 732 (Quirk) Mercury Thermostat Collection Act of 2021. Makes technical cleanup changes to the Mercury Thermostat Collection Act of 2021.

Final Status: Signed into law, Chapter 742, Statutes of 2022.

AB 735 (Smith) Solid waste: Rechargeable Battery Recycling Act. Authorizes DTSC to include on its internet website information on the estimated amount, by weight, of each type of rechargeable batteries returned for recycling from prior years that was previously posted.

Final Status: Held in the ESTM Committee.

AB 762 (Lee) Hazardous emissions and substances: schoolsites: private and charter schools. Requires charter schools and private schools to follow the same siting requirements as public schools for evaluating a schoolsite for potential hazardous substances, hazardous emissions, or hazardous waste. Requires the evaluation, under CEQA, of a potential charter schoolsite to follow the same CEQA process as public schools.

Final Status: Held in the Senate Appropriations Committee on Suspense File.

AB 1793 (Quirk) Hazardous waste: identification: acute aquatic toxicity criterion. Requires DTSC, subject to an appropriation by the Legislature in the Budget Act of 2022 that implements a proposal by DTSC to review and evaluate its hazardous waste criteria, to include a review of its acute aquatic toxicity criterion. Requires the evaluation of the criterion to consider its continued value and necessity, as well as available test methods, including, but not limited to, calculation-based methods. Requires DTSC to incorporate its recommendations into the State Hazardous Waste Management Plan.

Final Status: Signed into law, Chapter 274, Statutes of 2022.

AB 2214 (C. Garcia) California Environmental Quality Act: schoolsites: acquisition of property: school districts, charter schools, and private schools. Requires charter schools and private schools, as a condition of receiving state school facilities funding, to follow the same siting requirements as public schools for evaluating a school site for potential hazardous substances, emissions, or waste.

Final Status: Held in the Senate Appropriations Committee on the Suspense File.

AB 2440 (Irwin) Responsible Battery Recycling Act of 2022. Creates the Responsible Battery Recycling Act of 2022, which requires producers of covered batteries, as defined, to establish a stewardship program for the collection and recycling of covered batteries.

Final Status: Signed into law, Chapter 351, Statutes of 2022.

AB 2481 (Smith) Household hazardous waste: facilities: transportation and acceptance. Makes various changes to the statutory requirements for the transportation of hazardous waste and the operation of household hazardous waste collection facilities.

Final Status: Signed into law, Chapter 499, Statutes of 2022.

AB 2886 (Lee) Recycling: electric vehicle lithium-ion batteries. Requires producers of lithium-ion batteries for electric vehicles to establish a stewardship program, also known as the

Extended Producer Responsibility program, for the collection, transportation, and recycling of electric vehicle lithium-ion batteries that are out of warranty in the state.

Final Status: Held in the ESTM Committee.

SB 42 (Wieckowski) DTSC: Board of Environmental Safety. As heard by the ESTM Committee, establishes the Board of Environmental Safety, consisting of five members appointed by the Governor, within DTSC. The contents of the bill were later deleted and the bill was amended to include provisions related to the Eden Landing Ecological Reserve.

Final Status: Held on the Assembly Floor on the Inactive File.

SB 207 (Dahle) Photovoltaic Recycling Advisory Group. As referred to the ESTM Committee, requires the Secretary of Environmental Protection to convene the Photovoltaic Recycling Advisory Group, to review and advise the Legislature on policies pertaining to the recovery and recycling of photovoltaic panels. The contents this bill were later deleted and the bill was amended to include provisions related to the modification of duties for the public works director in Siskiyou County.

Final Status: Signed into law, Chapter 24, Statutes of 2022.

SB 244 (Archuleta) Lithium-ion batteries: illegal disposal: fire prevention. Requires the state to provide guidance on lithium-ion battery handling and disposal, and prohibits a person from knowingly disposing of a lithium-ion battery in containers or receptacles that are intended for solid waste or recyclable materials and not designated for battery collection.

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

"This bill would require the Department of Forestry and Fire Protection (CAL FIRE) to develop a model protocol to prevent fires caused by lithium-ion batteries in the solid waste stream and require the Department of Resources Recycling and Recovery to develop guidance for local governments to increase public awareness about the proper disposal of those batteries. This bill would also require a solid waste enterprise to adopt a prevention protocol for fires caused by the disposal of lithium-ion batteries and train relevant employees on the protocol.

I share the concern about the risks lithium-ion batteries pose in the solid waste stream. However, this bill is duplicative of efforts already taken by local governments and stakeholder groups and does not propose a meaningful solution to the problem.

Furthermore, at a time when CAL FIRE is tackling historic wildfires, this proposal would divert funds away from mission-critical programs to implement this bill."

SB 277 (Archuleta) Fireworks: dangerous fireworks: seizure: management. Authorizes the State Fire Marshal (SFM) to manage, instead of requiring the SFM to dispose of, dangerous fireworks that are seized in the state, as specified. Requires the SFM to dispose of any seized dangerous fireworks that were identified as hazardous waste in accordance with California and federal hazardous waste laws and regulations.

Final Status: Signed into law, Chapter 238, Statutes of 2022.

SB 1153 (Archuleta) Rechargeable Battery Recycling Act of 2006: data reporting. Requires a battery handling or recycling facility to provide data regarding the collection of batteries for recycling to DTSC.

Final Status: Held on the Assembly Floor Inactive File.

SB 1215 (Newman) Electronic Waste Recycling Act of 2003: covered battery-embedded products. Expands the Electronic Waste Recycling Act to include battery embedded products.

Final Status: Signed into law, Chapter 370, Statutes of 2022.

Pesticides

AB 567 (Bauer-Kahan) Pesticides: neonicotinoids: prohibited use. Prohibits, on and after January 1, 2024, the use a of neonicotinoid pesticide, as defined, on a seed.

Final Status: Held in the ESTM Committee.

AB 1298 (Bloom) Pesticides: use of 2nd generation anticoagulant rodenticides. Makes technical, non-substantive changes to statute enacted by AB 1788 (Bloom, Chapter 250, Statutes of 2020) related to the prohibition of the use of second generation anticoagulant rodenticides.

Final Status: Signed into law, Chapter 479, Statutes of 2021.

AB 1787 (Quirk) Pesticide testing. Extends the sunset on the data reporting and medical supervisor registration requirements of the agricultural pesticide worker protection program known as the California Medical Supervision Program (Program), and requires laboratories to submit additional information to the State to help identify workers, and medical supervisors of workers, in the Program.

Final Status: Signed into law, Chapter 108, Statutes of 2022.

AB 2146 (Bauer-Kahan) Neonicotinoid pesticides: prohibited nonagricultural use. Prohibits, beginning January 1, 2024, a person from selling, possessing, or using a neonicotinoid pesticide, as defined, for application to outdoor ornamental plants, trees, or turf, except for use on, or for the protection of, an agricultural commodity or as otherwise specified.

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

"This bill would prohibit the sale, possession, and use of neonicotinoid pesticides for application to outdoor ornamental plants, trees, or turf, with exemptions for environmental emergencies, and certified applicators.

The California Department of Pesticide Regulation (DPR) has a mission to protect human health and the environment from adverse impacts of pesticides by regulating pesticide sales and use and fostering reduced-risk pest management. DPR has already taken significant steps to restrict neonicotinoid uses, based on scientific review and documented uses that pose the greatest risks to pollinators and human health. The department is finalizing regulations on the agricultural use of neonicotinoids and will begin the process of evaluating non-agricultural uses next year.

My Administration takes the impacts of harmful chemicals on our people and environment seriously. I have tasked DPR to accelerate a system-wide transition to safer, more sustainable pest management. By statutorily prohibiting a pesticide and its

use, this bill would circumvent California's regulatory process of establishing restricted materials."

AB 2452 (Chen) Structural Fumigation Enforcement Program. Extends the sunset on the Structural Fumigation Enforcement Program (SFEP) from January 1, 2023, to January 1, 2024, and deletes San Diego County from the SFEP.

Final Status: Signed into law, Chapter 235, Statutes of 2022.

Proposition 65

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

AB 693 (Chau) Proposition 65: enforcement. Requires disclosure to a court of any compensation received by a plaintiff of a Proposition 65 lawsuit. Authorizes food suppliers and distributors to cure a violation of Proposition 65 by labeling a product within 14 days of the violation.

Final Status: Held in the ESTM Committee.

AB 2743 (Fong) Proposition 65: enforcement: private actions. Requires a person bringing an action under Proposition 65 to provide the notice of the alleged violation and factual information for the basis for the certificate of merit to the Attorney General, local district attorney, and the alleged violator.

Final Status: Held in the ESTM Committee.

Underground Storage Tanks

AB 753 (Grayson) Underground Storage Tank Trust Fund: brownfield remediation. Extends the Underground Storage Tank Cleanup Trust Fund (USTCTF) to January 1, 2031. Requires the State Water Board to, on or before January 1, 2024, report to the Legislature, at the conclusion of a stakeholder study, with recommendations for revising the eligibility criteria and funding

priorities of the USTCTF in order to clean-up contaminated properties that could be used for affordable housing.

Final Status: Held in the Senate Appropriations Committee on the Suspense File.

Water Quality

AB 377 (R. Rivas) Water quality: impaired waters. Requires, by January 1, 2025, the State Water Board and Regional Water Boards to evaluate impaired state surface waters and report to the Legislature a plan to bring all water segments into attainment by January 1, 2050. Requires, by January 1, 2023, the State Water Board and Regional Water Boards to prioritize enforcement of water quality standard violations that are causing or contributing to an exceedance of a water quality standard in a surface water of the state.

Final Status: Held in the Assembly Appropriations Committee.

AB 440 (Bigelow) Bear Lake Reservoir: recreational use. Deletes the sunset on the bodily contact prohibition exemption for Bear Lake Reservoir, and deletes other bodily contact restrictions, thus authorizing, if specified conditions are met, bodily contact with the water at Bear Lake Reservoir to occur all year and in perpetuity.

Final Status: Signed into law, Chapter 54, Statutes of 2021.

AB 622 (Friedman) Washing machines: microfiber filtration. This bill would require, on or before January 1, 2024, that all washing machines sold as new in California contain a microfiber filtration system with a mesh size of 100 microns or smaller.

Final Status: Held in the ESTM Committee.

AB 747 (Mathis) Water treatment facility: State Water Board: grant. Appropriates \$20 million from the state's General Fund to the State Water Board for the purpose of providing a \$20 million grant to a joint powers authority composed of the Tule River Indian Tribe and the City of Porterville for a water treatment facility.

Final Status: Held in the ESTM Committee.

AB 802 (Bloom) Microfiber pollution. Requires the State Water Board to identify the best available control technology for filtering microfibers from an industrial, institutional, or commercial laundry facility. Requires any entity that operates an industrial, institutional, or commercial laundry facility to adopt the use of the best available control technology to capture microfibers shed during washing.

Final Status: Held in the ESTM Committee.

AB 836 (Gabriel) California Building Standards Commission: recycled water: nonpotable water systems. Requires the California Building Standards Commission to adopt specified standards for newly constructed residential buildings to allow for the use of recycled and nonpotable water for nonpotable water demands; permits the State Water Board to waive specified standards for projects that would have adverse impacts on public health, water systems, or the environment; and requires the State Water Board to establish a program for large onsite treated nonpotable water systems for local jurisdictions that do not have a program.

Final Status: Held in the ESTM Committee.

AB 1066 (Bloom) Freshwater recreation sites: water quality monitoring. Requires the California Water Quality Monitoring Council to propose to the State Water Board for consideration a definition of a priority water-contact recreation site, as specified; and, recommendations and requirements for the establishment of a priority water-contact recreation site monitoring program for inland waters.

Final Status: Signed into law, Chapter 713, Statutes of 2021.

AB 1376 (Gray) Water quality: state certification. Prohibits the State Water Board from issuing a certificate or statement under federal water quality control laws until there is a 60-day public comment and review period for the certificate or statement and after that review period a majority of the members of the State Water Board vote on the certificate or statement.

Final Status: Held in the ESTM Committee.

AB 1724 (Stone) State-owned washing machines: microfiber filtrations. Requires all state-owned washing machines to contain a microfiber filtration system with a mesh size of 100 microns or smaller.

Final Status: Held in the Assembly Appropriations Committee on the Suspense File.

AB 1879 (Mathis) Regional Water Quality Control Boards: investigations. Authorizes a Regional Water Board to develop a plan or policy to address unfounded or frivolous complaints.

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

"This bill authorizes the nine Regional Water Quality Control Boards to develop a plan or policy to address unfounded or frivolous complaints. Although reducing baseless complaints is a worthy goal, the Regional Boards already have the authority to exercise discretion in determining whether to investigate a complaint and are not obligated to investigate every complaint received."

AB 2106 (R. Rivas) Water quality: permits. Requires the State Water Board to modernize its stormwater tracking system or before December 31, 2025, and to establish a statewide commercial, industrial, and institutional national pollutant discharge elimination system order (NPDES Order).

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

"This bill would require the State Water Resources Control Board (Water Board) to develop a new, statewide commercial, industrial, and institutional stormwater permit. The bill also requires the Water Board to update its stormwater data system and conduct a series of hearings evaluating its stormwater program.

I support efforts to improve stormwater permitting and reporting, as outlined in our 2022 Water Supply Strategy, which sets a priority of helping local governments to develop stormwater capture projects with the goal to increase annual supply capacity. The Water Board has existing authority to set priorities, make findings, and determine the necessity of new stormwater regulations. This bill would result in significant new

costs in the millions of dollars that would substantially increase waste discharge fees or require ongoing General Fund.

Changes to stormwater management would be best addressed in our budget process, working with existing authorities, and outlined in the Water Supply Strategy implementation steps. With our state facing lower-than-expected revenues over the first few months of this fiscal year, it is important to remain disciplined when it comes to spending."

AB 2108 (R. Rivas) Water policy: environmental justice: disadvantaged and tribal communities. Requires the State Water Board and Regional Water Boards to make programmatic findings on potential environmental justice, tribal impact, and racial equity considerations when issuing regional or reissuing statewide waste discharge requirements or waivers of waste discharge requirements. Requires the State Water Board and Regional Water Boards to engage communities impacted by proposed discharges of waste throughout the waste discharge planning, policy, and permitting process.

Final Status: Signed into law, Chapter 347, Statutes of 2022.

AB 2113 (R. Rivas) State Water Pollution Control and Abatement Account. Creates four new accounts in the Waste Discharge Permit Fund and, subject to a future legislative act, transfers up to a total of 50% of the annual proceeds from the State Water Pollution Cleanup and Abatement Account to these four new accounts for specified purposes.

Final Status: Held in the Assembly Appropriations Committee on the Suspense File.

AB 2163 (B. Rubio) San Gabriel Basin Water Quality Authority Act. Extends the sunset, from July 1, 2030, to July 1, 2050, for the San Gabriel Basin Water Quality Authority.

Final Status: Signed into law, Chapter 234, Statutes of 2022.

AB 2248 (E. Garcia) Water quality: California-Mexico cross-border rivers. Provides \$100 million to the State Water Board from the state's General Fund, upon appropriation by the

Legislature, for grants and direct expenditures to address water quality problems arising in California-Mexico cross-border rivers.

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

"This bill makes \$100 million General Fund available to the State Water Resources Control Board, upon appropriation, for grants and expenditures to address water quality problems in the New River and the Tijuana River watersheds at the California-Mexico border. The 2021 Budget Act included \$20 million, and the 2022 Budget Act included \$15 million in funding for this use, all of which has not yet been expended.

My Administration remains committed to addressing water quality and environmental equity issues at cross-border rivers, which is why I have supported funding this work. However, with our state facing lower-than-expected revenues over the first few months of this fiscal year, it is important to remain disciplined. Additional funding should be considered as part of the annual budget process.

The Legislature sent measures with potential costs of well over \$20 billion in one-time spending commitments and more than \$10 billion in ongoing commitments not accounted for in the state budget. Bills with significant fiscal impact, such as this measure, should be considered and accounted for as part of the annual budget process."

AB 2601 (E. Garcia) Waste discharge permits landfills: Mexico border. Prohibits a Regional Water Board from issuing a waste discharge permit for a new landfill, or a lateral expansion of an existing landfill, that is used for the disposal of nonhazardous solid waste if the land is located within three miles of the United States border with Mexico. Additionally, prohibits a Regional Water Board from granting a variance for a new landfill or lateral expansion of an existing landfill located within three miles of the United States border with Mexico.

Final Status: Held in the Assembly Appropriations Committee on the Suspense File.

AB 2605 (Villapudua) Water quality: state certification. Adds additional requirements on the State Water Board when reviewing an application for water quality certification. Limits the State Water Board's authority under water quality certification to only point sources.

Final Status: Held in the ESTM Committee.

AB 2639 (Quirk) San Francisco Bay/Sacramento-San Joaquin Delta Estuary: water quality control plan: water right permits. Requires the State Water Board to complete the update of the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta) Water Quality Control Plan by December 31, 2023, and places a moratorium on new water right permits resulting in increased diversions in the Bay-Delta watershed if the update is not completed by January 1, 2024.

Final Status: Failed passage on the Assembly Floor.

AB 2787 (Quirk) Microplastics in products. Prohibits a person from selling, distributing, or offering for promotional purposes specified products that contain intentionally added microplastics.

Final Status: Held on the Assembly Floor.

AJR 2 (O'Donnell) Coastal and marine waters: Santa Catalina Island: DDT. Requests that the United States Congress and USEPA take all measures necessary to prevent further damage to California's citizens, wildlife, and natural resources from DDT waste dumped in the waters near Santa Catalina Island.

Final Status: Chaptered by the Secretary of State, Chapter 142.

SB 891 (Hertzberg) Business licenses: stormwater discharge compliance. Specifies that application requirements for a person who conducts a business operation that is a regulated industry required to enroll with the NPDES permit program apply not only to business licenses, but also to instruments and permits equivalent to a business license.

Final Status: Signed into law, Chapter 678, Statutes of 2022.

2021 – 2022 Oversight and Informational Hearings

Informational Hearing: Pesticide Regulation in California: Protecting Our People and Environment

Pesticides are distinct from other toxic substances. While most environmental toxins are an unwanted by-product of a process (for example, effluent from a manufacturing plant or emissions from an automobile engine), pesticides are chemicals designed to harm a target pest and are purposely introduced into the environment to manage viruses, bacteria, insects, weeds, rodents, or other pests. Pesticides can also harm people, non-target organisms, and the environment, and it is crucial to appreciate that pesticides and their effects are not far-removed from all Californians' lives. Pesticides are on the food we eat, in the air we breathe, the water we drink, the parks our children play in, the disinfectants we use in our houses, and beyond. Pesticides can be useful, but as substances with inherent organismal toxicity, the benefits of pesticide use must be weighed against the risks to public health, the environment, and non-target organisms.

Since most pesticides are, by design, inherently toxic to their target pest – and excess amounts of any substance may be harmful – pesticide use must be strictly controlled. Amendments to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 1947) have delegated responsibility and authority to states for pesticide use training, registration, and enforcement through cooperative agreements, with the USEPA maintaining oversight responsibility over state programs. In California, these duties lie with the DPR, which is housed within CalEPA.

DPR's mission is to "to protect human health and the environment by regulating pesticide sales and use, and by fostering reduced-risk pest management." To adhere to its mission, DPR monitors the use of pesticides from farm fields to grocery shelves to assure the safety of workers and the public. Regulatory activities are conducted by DPR's seven Pesticide Program Division branches: Pesticide Registration, Human Health Assessment, Worker Health and Safety, Enforcement, Environmental Monitoring, Product Compliance, and Pest Management and Licensing.

According to the Governor's Proposed 2022-2023 Budget, DPR has a total of \$135 million to cover its program costs, which include approximately 438 positions, including a large number of scientists from many different disciplines. Additionally, DPR receives less than 10% of its funds from the state General Fund (approximately \$10 million). DPR's primary fund source is the Department of Pesticide Regulation Fund, \$119 million in total, and is comprised of a variety of

sources, mainly renewal fees (\$21 million) and regulatory fees (\$97 million), including the mill fee. A portion of DPR's budget supports local pesticide enforcement by the state's county agricultural commissioners.

The ESTM Committee, along with the Assembly Budget Subcommittee #3 (Resources and Transportation), held an informational hearing on DPR as part of the California State Legislature's ongoing responsibility to ensure that broad departmental authority over the state's pesticide program is utilized efficiently and effectively to protect the public and the environment from the potential harmful effects of pesticides.

- **March 8, 2022 – Sacramento.** The ESTM Committee, along with the Assembly Budget Subcommittee #3, held a joint informational hearing to serve as an overview of DPR, especially as its programs, projects, and budget relate to safeguarding our people and environment and to transitioning to safer, more sustainable pest management practices.

Informational Hearing: Microplastics in Our Water and Environment: Understanding a Growing Pollution Source

Plastic is a persistent and growing source of pollution in California that impacts our natural resources and public health. California communities are estimated to spend more than \$428 million annually to clean up and control plastic pollution, yet these efforts are not enough to stymie this growing source of contamination. Plastics can break down into much smaller particles called microplastics, which are prevalent nearly everywhere, including in our homes, workplaces, bodies, drinking water, and environment. The ubiquity of plastics creates unprecedented challenges to regulators, engineers, and scientists as they grapple with this potential human health threat and environmental pollution source.

Plastic never fully biodegrades—it is broken down into tiny particles by ultraviolet radiation and the movement of water. When clothes made from synthetic materials, such as polyester and nylon, are washed, they shed tiny fibers that evade capture by wastewater treatment facilities and are released into surface waters. Microplastics can exit into waterways from wastewater treatment plants; move into water bodies through stormwater runoff; enter the air through clothing dryer exhaust; shed on to roadways from vehicle tires; and enter the environment through litter and illegal dumping. Transport through these multiple routes and the ubiquitous use of plastic materials means that microplastics are found worldwide, even in places considered untouched by anthropogenic pollution. Researchers have found that atmospheric weather patterns deposit more than 1,000 tons of plastic per year across national parks and other protected areas of the western United States—the equivalent of 300 million plastic water bottles.

Once released into the environment, microplastics can pollute both surface water and groundwater sources that are ultimately used for drinking water. Researchers at the State University of New York and the University of Minnesota found that 83% of samples of drinking water taken worldwide contained microplastics. In the United States, 94% of the samples contained microplastics. Two studies commissioned by Orb Media found microplastics in tap water and bottled water in more than 80% of samples taken from around the world.

Microplastics have critical implications for environmental quality and human health. People are exposed to microplastics through a number of routes, including seafood consumption, tap water, bottled water, household dust, and inhalation of airborne microfibers. While it is not definitively known what effect these small particles have on human health, microplastics have been reported in human blood and placenta and are known to contain chemicals, such as Bisphenol A and phthalates, that are associated with human health hazards.

- **March 2, 2021 – Sacramento.** The ESTM Committee held an informational hearing on Tuesday, March 2, 2021, to provide an overview of microplastics; explore the impacts of microplastics on human health and the environment; and discuss various strategies for preventing, remediating, and addressing microplastic exposure and pollution.

Oversight Hearing on the Department of Toxic Substances Control – Board of Environmental Safety

The Hazardous Waste Control Law (HWCL) is the state's program that implements and enforces federal hazardous waste law in California and directs DTSC to oversee and implement these hazardous waste laws and regulations. The HWCL covers the entire management of hazardous waste, from the point that hazardous waste is generated to management, transportation, and ultimately disposal of the waste into a state or federally-authorized facility. In addition to the HWCL, DTSC administers programs that oversee the cleanup of contaminated properties, hazardous materials that are used in products and the Safer Consumer Products Program (also known as Green Chemistry).

Over the past decade or so, DTSC has received complaints from the public about its HWCL programs and has held public meetings to identify and understand these concerns. Community groups living near hazardous waste facilities expressed concern that DTSC was not properly enforcing state and federal laws, and was allowing facilities to operate with an expired permit or with numerous violations of state laws and regulations. Additionally, the regulated community expressed concerns about the costs associated with processing a permit and the length of time it was taking DTSC to process a hazardous waste permit, which could take years beyond the expiration date of a permit.

Over the last seven years, the Legislature has conducted numerous hearings on DTSC's internal controls, its business practices, and its basic statutory obligations. In those hearings, legislative budget and policy committees have evaluated the following four main subjects: (1) reviewing and monitoring the DTSC's strategic plan and reorganization; (2) auditing cost recovery at DTSC; (3) reviewing staffing needs at DTSC to improve permit backlogs and business operations; and, (4) improving DTSC's enforcement activities.

Numerous clarifying and strengthening statutory changes have been made to help DTSC better achieve its mandates. Limited-term budget augmentations have also been made to give DTSC resources to reduce backlogs and address outstanding programmatic failings. However, up until the adoption of reforms in 2021, many of the underlying concerns about transparency, accountability, and long-term stability of DTSC programs, as well as a fiscal deficit, remained.

In 2020, Assemblymember Cristina Garcia introduced AB 995, which included elements of some of the previous legislative efforts, as well as provisions to update the hazardous waste management plan and improve the permitting process, improve the public's engagement in the permitting process, and increase financial assurance requirements for hazardous waste facilities. AB 995 was vetoed by the Governor, citing concerns that the bill contained provisions

on governance reform without making fiscal changes that would be needed to help DTSC achieve its mandates. However, many elements of AB 995 were ultimately incorporated into SB 158, which passed in 2021.

In 2021, as a result of months of negotiation, the Administration and Legislature agreed to a compromise on DTSC reform by enacting SB 158. SB 158 included the creation of the 5-member Board of Environmental Safety that sets policy and prioritizes transparency and accountability for DTSC. Each member of the Board must meet at least one qualification from a specified list and the Board is required to meet at least 6 times a year.

SB 158 also enacted fee reform, by eliminating and modifying some fees. This included repealing the Generator Fee and instead establishing the new Generation and Handling Fee. The bill also created a new (hazardous waste) facility fee and modified and raised the Environmental Fee. All fees were set at a rate that would eliminate DTSC's operating deficit, provide revenue for anticipated needs in the near-term, fund the Board and the development of a hazardous waste management plan, and provide DTSC with a prudent reserve.

Additionally, SB 158 included a number of programmatic reforms such as the development of a hazardous waste management plan to be completed by March 1, 2025, and to be updated every 3 years; strengthened financial assurance requirements for both hazardous waste facilities and contaminated cleanup sites; and, made changes to the permitting requirements for hazardous waste facilities to improve the efficiency and transparency of the processing of the permits. Lastly, SB 158 included \$500 million for the cleanup of contaminated sites, including priority for sites where there are high environmental burdens and sensitive receptors.

- **August 3, 2022 – Sacramento.** The ESTM Committee, along with the Senate Environmental Quality Committee, held a joint oversight hearing on the newly created DTSC Board of Environmental Safety. Through testimony from the newly created Board, the Director of DTSC, and stakeholders, this hearing provided updates on recently enacted DTSC reforms. The goal of the hearing was to evaluate progress on DTSC's attempts at improvement, with special emphasis on DTSC's engagement with communities affected by hazardous waste and hazardous materials.

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