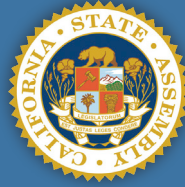


Assembly Committee on
Environmental Safety and Toxic Materials

2023 – 24 Legislative Summary



Eduardo Garcia, Chair



Members

Damon Connolly
Josh Hoover
Tina McKinnor
Diane Papan
Eloise Gomez Reyes
Tri Ta

Consultants

Josh Tooker, Chief Consultant
Shannon McKinney, Senior Consultant
Naomi Ondrasek, PhD, Senior Consultant
Brenda Cisneros-Larios, PhD, Science and Technology Fellow, 2024

Committee Secretary

Pía Estrada

2023 - 2024 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:

| | |
|----------------------|---|
| AB | Assembly Bill |
| BES | Board of Environmental Safety |
| CalEPA | California Environmental Protection Agency |
| CalRecycle | California Department of Resources Recycling and Recovery |
| CalTrans | California Department of Transportation |
| CDFA | California Department of Food and Agriculture |
| CDPH | California Department of Public Health |
| CDTFA | California Department of Tax and Fee Administration |
| CUPA | Certified Unified Program Agency |
| DEHP | Di-(2-ethylhexyl) phthalate |
| 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 |
| HCD | Department of Housing and Community Development |
| OEHHA | Office of Environmental Health Hazard Assessment |
| OSFM | State Fire Marshal |
| PFAS | Perfluoroalkyl and polyfluoroalkyl substances |
| Regional Water Board | Regional Water Quality Control Board |
| SAFER | Safe and Affordable Funding for Equity and Resilience Program |

State Water Board

State Water Resources Control Board

SB

Senate Bill

Stringfellow

Stringfellow Quarry Class I Hazardous Waste Disposal Site

USEPA

United States Environmental Protection Agency

Introduction

In the California State Assembly, the 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 2023-2024 Regular Legislative Session, 100 measures were referred to the ESTM Committee, 59 of which were related to drinking water, hazardous waste, and water quality. Additionally, the ESTM Committee received 20 bills with a focus on consumer product safety issues.

This report contains summaries of all of the bills referred to the ESTM Committee during the 2023-2024 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.

In the 2023-2024 legislative session, the Assembly ESTM Committee, experienced changes in the middle of the legislative session. In 2023, Assemblymember Alex Lee was the Chair of the committee; however, in 2024, Assemblymember Eduardo Garcia was appointed Chair of Assembly ESTM. In 2023 and 2024, 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

2023 – 2024 Legislative Summary

Consumer Product Safety

AB 234 (Bauer-Kahan) Microparticles. Prohibits a synthetic polymer microparticle, as defined, from being placed on the market; specifies multiple effective dates for restrictions, depending upon product type; and establishes exemptions on the basis of biodegradability, determined using specified tests and pass criteria.

Final Status: Held in the Assembly Natural Resources Committee.

AB 246 (Papan) Product safety: menstrual products: PFAS. Prohibits, commencing January 1, 2025, a person from manufacturing, distributing, selling, or offering for sale in the state any menstrual products that contain regulated PFAS, as defined.

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

“This bill would prohibit, by 2025, the manufacture, distribution, or sale of menstrual products that contain intentionally added perfluoroalkyl or polyfluoroalkyl substances (PFAS) at a certain concentration level, as well as limit, by 2027, the concentration of total organic fluorine in menstrual products.

This is one of three single-product chemical bans passed by the Legislature this year that attempt to address serious concerns with the presence of PFAS in consumer products. These bills do not identify or require any regulatory agency to determine compliance with, or enforce, the proposed statute.

While I strongly support the author's intent and have signed similar legislation in the past, I am concerned that this bill falls short of providing enhanced protection to California consumers due to lack of regulatory oversight. Previously enacted single-product chemical bans, which also lack oversight, are proving challenging to implement, with inconsistent interpretations and confusion among manufacturers about how to comply with the restrictions.

In order to instill consumer confidence and effectively address public health and environmental concerns, I am directing the Department of Toxic Substances Control to

engage with the author and the Legislature and consider alternative approaches to regulating the use of these harmful chemicals in consumer products.”

AB 347 (Ting) Household product safety: toxic substances: testing and enforcement.

Requires DTSC to enforce and ensure compliance with three existing laws that set limits for PFAS in food packaging, textiles, and juvenile products.

Final Status: Signed into law, Chapter 932, Statutes of 2024.

AB 418 (Gabriel) The California Food Safety Act. Prohibits a person or entity, commencing January 1, 2027, from manufacturing, selling, delivering, distributing, holding, or offering for sale, in commerce a food product for human consumption that contains any of the following substances: Brominated vegetable oil (BVO); Potassium bromate; Propylparaben; or, Red dye 3.

Final Status: Signed into law, Chapter 328, Statutes of 2023.

AB 496 (Friedman) Cosmetic safety. Prohibits, commencing January 1, 2027, a person or entity from manufacturing, selling, delivering, holding or offering for sale in commerce any cosmetic product that contains any of the ingredients specified in this bill.

Final Status: Signed into law, Chapter 441, Statutes of 2023.

AB 727 (Weber) Product safety: cleaning products and floor sealers or floor finishes: PFAS.

Prohibits, commencing January 1, 2026, a person or entity from manufacturing or selling a cleaning product, as defined, containing PFAS, as defined.

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

“This bill would prohibit, by 2026, the manufacture, distribution, or sale of cleaning products that contain intentionally added perfluoroalkyl or polyfluoroalkyl substances (PFAS), and would apply this ban, by 2028, to floor sealer or floor finish products.

This is one of three single-product chemical bans passed by the Legislature this year that attempt to address serious concerns with the presence of PFAS in consumer products.

These bills do not identify or require any regulatory agency to determine compliance with, or enforce, the proposed statute.

While I strongly support the author's intent and have signed similar legislation in the past, I am concerned this bill falls short of providing enhanced protection to California consumers due to lack of regulatory oversight. Previously enacted single-product chemical bans, which also lack oversight, are proving challenging to implement, with inconsistent interpretations and confusion among manufacturers about how to comply with the restrictions.

In order to instill consumer confidence and effectively address public health and environmental concerns, I am directing the Department of Toxic Substances Control to engage with the author and the Legislature and consider alternative approaches to regulating the use of these harmful chemicals in consumer products.”

AB 899 (Muratsuchi) Food safety: baby food. Requires, under the state's Sherman Food, Drug, and Cosmetic Law, manufacturers of baby food for sale or distribution in California to test a representative sample of the final product, as specified, and to disclose information, as specified, to consumers about the levels of arsenic, cadmium, lead, and mercury present in each final product; prohibits the sale, manufacture, or distribution of products in the state that do not comply with the requirements of this bill.

Final Status: Signed into law, Chapter 668, Statutes of 2023.

AB 1059 (Friedman) Product safety: consumer products: textile fiberglass and covered flame retardant chemicals. Prohibits a person from manufacturing, selling, offering, or distributing in commerce any juvenile product, mattress, or upholstered furniture that contains textile fiberglass, and restricts the use of flame retardant chemicals in adult mattresses, as specified.

Final Status: Signed into law, Chapter 461, Statutes of 2023.

AB 1423 (Schiavo) Product safety: PFAS: artificial turf or synthetic surfaces. Prohibits, commencing January 1, 2026, the manufacturing or sale of artificial turf that contains PFAS, as defined, and prohibits, commencing January 1, 2026, a public entity, a public or private school,

or a public or private institution of higher learning, as specified, from purchasing or installing artificial turf that contains PFAS.

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

“This bill would prohibit, by 2026, a person, public entity, or educational institution from purchasing or installing artificial turf that contains intentionally added perfluoroalkyl or polyfluoroalkyl substances (PFAS) at a certain concentration level.

This is one of three single-product chemical bans passed by the Legislature this year that attempt to address serious concerns with the presence of PFAS in consumer products. These bills do not identify or require any regulatory agency to determine compliance with, or enforce, the proposed statute.

While I strongly support the author's intent and have signed similar legislation in the past, I am concerned that this bill falls short of providing enhanced protection to California consumers due to lack of regulatory oversight. Previously enacted single-product chemical bans, which also lack oversight, are proving challenging to implement, with inconsistent interpretations and confusion among manufacturers about how to comply with the restrictions.

In order to instill consumer confidence and effectively address public health and environmental concerns, I am directing the Department of Toxic Substances Control to engage with the author and the Legislature and consider alternative approaches to regulating the use of these harmful chemicals in consumer products.”

AB 1660 (Ta) Cosmetic products: PFAS. Authorizes the California Air Resources Board to exempt any intentionally added PFAS used in a cosmetic product from the current statutory prohibition on intentionally added PFAS in a cosmetic product.

Final Status: Held in the ESTM Committee.

AB 2201 (Addis) Toxics: air care products. Prohibits, on and after July 1, 2026, a person, including, but not limited to, a manufacturer, from selling or distributing in commerce in this state an air care product that contains any intentionally added ingredient from a specified list.

Final Status: Not heard on the Assembly Floor (Inactive File).

AB 2244 (Ting) Product safety: proofs of purchase: intentionally added bisphenols. Prohibits, beginning January 1, 2025 a receipt paper provided to a consumer by a business or created by a manufacturer from containing BPA. Prohibit, beginning January 1, 2026, a receipt provided to a consumer by a business or created by a manufacturer from containing any bisphenols. Any violation or enforcement action of this bill would be posted on DTSC's website and fines collected pursuant to this bill would be deposited into the Toxic Substances Control Account. Authorizes DTSC to adopt regulations to implement this bill. Authorizes DTSC, the Attorney General, a county counsel, a district attorney, or a city attorney to enforce these provisions.

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

AB 2300 (Wilson) Medical devices: DEHP. Prohibits, beginning January 1, 2030, a person or entity from manufacturing, selling, or distributing into commerce in the State of California intravenous solution containers made with intentionally added DEHP and provides an extension of the deadline under specified conditions. Prohibits, beginning January 1, 2035, a person or entity from manufacturing, selling, or distributing into commerce in the State of California intravenous tubing made with intentionally added DEHP. Prohibits a person or entity from replacing DEHP for revised or new products with other specified ortho-phthalates. Exempts human blood collection and storage bags and apheresis and cell therapy blood kits and bags, including integral tubing, from the provisions of the bill.

Final Status: Signed into law, Chapter 562, Statutes of 2024.

AB 2316 (Gabriel) Pupil nutrition: substances: prohibition. Prohibits, commencing December 31, 2027, food containing six specified food dye additives (Blue 1; Blue 2; Green 3; Red 40; Yellow 5; and Yellow 6) from being sold to students by school districts, county offices of education, charter schools, and state special schools.

Final Status: Signed into law, Chapter 914, Statutes of 2024.

AB 2365 (Haney) Public health: kratom. Defines kratom products and establishes a set of requirements for kratom products under the Sherman, Food, Drug and Cosmetic Law. Defines processors and requires them to register their kratom products with CDPH. As part of the registration process, a certificate of analysis from an accredited independent laboratory confirming kratom products meets the specified requirements would be required. Establishes

labeling and packaging requirements and prohibits the sale of kratom products to individuals under 21 years of age.

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

AB 2408 (Haney) Firefighters: personal protective equipment: PFAS. Prohibits, beginning July 1, 2026, any person from manufacturing, selling, offering for sale, distributing for use in this state, or purchasing or accepting for future use in this state, firefighter personal protective equipment containing intentionally added PFAS.

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

AB 2491 (Lee) Cosmetic products: safety. Prohibits, beginning January 1, 2025, a person or entity from selling to a person under 13 years of age an over-the-counter skin care product or cosmetic product advertised to address skin aging that contains specified intentionally added ingredients.

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

AB 2513 (Pellerin) Gas stoves and ranges: warning label. Prohibits a person from selling or offering for sale a gas stove that is manufactured or sold online on or after January 1, 2025, or sold in a store on or after January 1, 2026, unless that gas stove contains a specified warning label.

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

"This bill would prohibit a person from selling or offering for sale a gas stove that is manufactured or sold online on or after January 1, 2025, or sold in a store on or after January 1, 2026, unless that gas stove contains a specified warning label.

While I appreciate the author's intent to provide consumers with information about the products they purchase, I am concerned that this bill codifies highly prescriptive labeling content that could only be changed by a future statutory amendment. This static approach falls short in enabling timely updates to the labeling content that should align with the latest scientific knowledge so that consumers are accurately informed about their purchases.

For these reasons, I cannot sign this bill."

AB 2515 (Papan) Menstrual products: PFAS. Prohibits, as specified, a person from manufacturing, distributing, selling, or offering for sale a menstrual product that contains regulated PFAS, as defined.

Final Status: Signed into law, Chapter 1008, Statutes of 2024.

AB 2761 (Hart) Product safety: plastic packaging: Reducing Toxics in Packaging Act. Prohibits, beginning January 1, 2026, a person from manufacturing, selling, offering for sale, or distributing in the state plastic packaging that contains any of the following: regulated PFAS, Polyvinyl chloride (PVC) inclusive of polyvinylidene chloride (PVDC).

Final Status: Not heard in the Senate Environmental Quality Committee.

SB 1266 (Limon) Product safety: bisphenols. Prohibits, beginning January 1, 2026, a person from manufacturing, selling, or distributing in commerce, any juvenile's feeding product, juvenile's sucking product, or juvenile's teething product that contains any form of bisphenol above the practical quantitation limit (PQL), to be determined by DTSC. Reduces the risk of regrettable substitutes by prohibiting manufacturers from using other bisphenols, any chemicals designated by DTSC as a candidate chemical, which are recognized to be carcinogens or reproductive toxicants, and by requiring manufacturers to use the least toxic alternative. Authorizes the Department of Toxic Substances Control to establish standards, for all the covered products, that are more protective for public health than the standards set by this bill and to enforce the provisions of this bill. Imposes administrative or civil penalties, for violations of the provisions of this bill.

Final Status: Signed into law, Chapter 790, Statutes of 2024.

Drinking Water

AB 249 (Holden) Schoolsites: lead testing. Requires, on or before January 1, 2027, a community water system that serves a schoolsite receiving federal Title I funds to test for lead in each of the schoolsite's potable water system outlets, and to report the results to the State Water Board and applicable schoolsite or local educational agency; requires local educational agencies or schoolsites, if lead levels exceed 5 parts per billion (ppb), to perform specified actions.

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

"This bill would require community water systems serving schoolsites with buildings constructed before January 1, 2010, to test for lead at each of those schoolsites' potable water system outlets. It also establishes notification and remediation requirements for local educational agencies if testing results show certain lead levels for any outlet and requires the State Water Resources Control Board (State Water Board) to collect, track, and publicly post certain compliance data, and enforce this bill's provisions.

Minimizing childhood exposure to lead in drinking water is a critical issue. While I support the author's commitment to ensure safe drinking water in schools, this bill contains several problematic provisions and cannot be implemented as drafted. The bill constitutes an entirely new enforcement role for the State Water Board, requires the creation of a costly database for tracking compliance and enforcement, and contains an infeasible implementation timeline.

Although some funding was included in the 2023 budget for testing and remediation, the bill lacks key provisions for efficiently administering the funding and is inadequate to cover the full cost of implementation. Additionally, this bill creates a reimbursable state mandate with ongoing Proposition 98 General Fund costs that could range into the hundreds of millions of dollars.

In partnership with the Legislature, we enacted a budget that closed a shortfall of more than \$30 billion through balanced solutions that avoided deep program cuts and protected education, health care, climate, public safety, and social service programs that are relied on by millions of Californians. This year, however, the Legislature sent me bills outside of this budget process that, if all enacted, would add nearly \$19 billion of unaccounted costs in the budget, of which \$11 billion would be ongoing.

With our state facing continuing economic risk and revenue uncertainty, it is important to remain disciplined when considering bills with significant fiscal implications, such as this measure."

AB 541 (Wood) California Safe Drinking Water Act: wildfire aftermath: benzene testing.

Requires the State Water Board to require a public water system that has experienced a major wildfire event of 300 acres or more and under specified conditions to perform sample collection and analysis of its source waters for the presence of benzene as soon as it is safe to do so. Authorizes the State Water Board to require the public water system to take specified response actions if benzene is detected.

Final Status: Signed into law, Chapter 530, Statutes of 2023.

AB 664 (Lee) California Safe Drinking Water Act: domestic wells. Requires the owner of a domestic well that serves a rental property and is located within a drinking water system consolidation or extended service area, who does not provide written consent to the consolidation or extension of service, to ensure that tenants of rental properties served solely by their wells have access to an adequate supply of safe drinking water.

Final Status: Signed into law, Chapter 810, Statutes of 2023.

AB 682 (Mathis) State Water Resources Control Board: online search tool: funding applications. Requires the State Water Board to, by January 1, 2025, update its online search tool for funding applications to include, at a minimum, specified information relating to the status of water systems' funding applications.

Final Status: Signed into law, Chapter 340, Statutes of 2023.

AB 838 (Connolly) California Water Affordability and Infrastructure Transparency Act of 2023. Requires, beginning January 1, 2025, and thereafter at intervals determined by the State Water Board, a public water system to provide to the State Water Board specified information and data related to the average water bill paid by customers and the public water system's

completed and planned efforts to replace aging infrastructure, including the percentage of water main replaced in the prior calendar year.

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

AB 1211 (Mathis) Safe Drinking Water State Revolving Fund: internet website information.

Requires the State Water Board to post at least once annually, instead of biennially, information regarding implementation and expenditures from the Drinking Water State Revolving Fund on its internet website and to send a link for the website to the Legislature.

Final Status: Held in the Senate Environmental Quality Committee.

AB 1627 (Lee) California Safe Drinking Water Act. Aligns state law with federal requirements by deleting a provision within the California Safe Drinking Water Act that applies to food facilities regulated under the California Retail Food Code and conforms California's statutory definition of a public water system to the federal definition of a public water system.

Final Status: Signed into law, Chapter 173, Statutes of 2023.

AB 1851 (Holden) Schoolsites: lead testing pilot program. Requires the State Superintendent of Public Instruction of the California Department of Education to establish a pilot program to test for and remediate lead in drinking water in the schools of 6-10 local educational agencies; requires a technical assistance provider to advise participating local educational agencies on meeting the requirements of the pilot program, analyze the pilot program's outcomes, and provide recommendations to the state on reducing lead in drinking water in schools across California.

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

AB 2454 (Lee) Drinking water: domestic well testing. Requires a domestic well owner—if their well serves a rental property that is located within the boundaries of a testing program, which provides free testing for drinking water contaminants and was established by or receives funding from the State Water Board or a Regional Water Board—to participate in the program,

communicate the test results to residents of the rental property, and, if a program exists to support it, provide residents with safe drinking water.

Final Status: Signed into law, Chapter 506, Statutes of 2024.

AB 2671 (Weber) Family daycare homes: filtered water. Requires licensed family daycare homes (also known as family child care homes) to only serve children with water, or food prepared with water, that has been filtered using a point-of-use water filtration device certified to meet National Sanitation Foundation/American National Standards Institute standards for lead reduction; requires the California Department of Social Services to adopt regulations, as specified, to implement the requirements of AB 2671.

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

AB 3090 (Maienschein) Drinking water standards: emergency notification plan. Encourages public water systems to provide notification to water users, by means of other communications technology, including but not limited to, text messages, email, or social media.

Final Status: Signed into law, Chapter 68, Statutes of 2024.

AB 3125 (Garcia) Mutual Water Companies: board members: training. (As referred to ESTM): Would have required the board member of a mutual water company to provide proof of the completion of required training to the State Water Board within 30 days of completing the training. The contents of this bill were deleted and the bill was amended out of ESTM's jurisdiction.

Final Status: Not heard in the Assembly Labor and Employment Committee.

SB 3 (Dodd) Discontinuation of residential water service: covered water system. Requires, on and after August 1, 2024, covered water systems that supply water to 200 service connections or less to have a written policy on the discontinuation of residential water service. Requires that policy to be provided in writing in multiple languages. Prohibits covered water systems from shutting off water service for certain customers that meet specified criteria and prohibits

the shutoff of water service until the water bill has been delinquent for 60 days. Enacts a cap on reconnection fees a covered water system can charge for restoring water service.

Final Status: Signed into law, Chapter 855, Statutes of 2023.

SB 1147 (Portantino) Drinking water: microplastics levels. Requires OEHHA to study the health effects of microplastics in drinking water and bottled water, and authorizes the State Water Board, after OEHHA's study is complete, to request that OEHHA develop a public health goal for microplastics in drinking water.

Final Status: Signed into law, Chapter 881, Statutes of 2024.

SB 1188 (Laird) Drinking water: technical, managerial, and financial standards. Requires the State Water Board to develop and adopt minimum technical, managerial, and financial (TMF) capacity standards for specified water systems and requires those water systems to comply with the TMF standards.

Final Status: Signed into law, Chapter 507, Statutes of 2024.

SB 1255 (Durazo) Public water systems: needs analysis: water rate assistance program. Requires, on or before July 1, 2027, retail water suppliers that serve over 3,300 residential connections to establish a water rate assistance program, as specified, to provide assistance to eligible ratepayers for their water and wastewater bills.

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

Environmental Health

AB 2827 (Reyes) Invasive species: prevention. Requires CDFA, in collaboration with relevant state agencies and stakeholders, to develop and implement strategies to detect, control, monitor, and eradicate invasive species, as specified.

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

SB 1176 (Niello) Wildfires: workgroup: toxic heavy metals. Requires, upon appropriation, The California Department of Forestry and Fire Protection (CalFire), California Governor's Office of Emergency Services (CalOES), and DTSC, in consultation with academic and research institutions with demonstrated relevant expertise, and any other governmental agency or educational institution that may have experience in public health and wildfires, to form a workgroup related to exposure of toxic heavy metals after a wildfire. It also requires the workgroup to report their findings to the Legislature on or before January 1, 2026.

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

SB 1252 (Stern) California Mosquito Surveillance and Research Program. Requires the California Mosquito Surveillance and Research Program to consult with partners at the University of California and California State University about the most up-to-date research pertaining to mosquito abatement, including, but not limited to, sustainable pest management.

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

Environmental Justice

AB 652 (Lee) DPR Environmental Justice Advisory Committee. Establishes an Environmental Justice Advisory Committee to make recommendations for integrating environmental justice considerations into DPR's programs, policies, decision making, and activities.

Final Status: Signed into law, Chapter 662, Statutes of 2023.

AB 3136 (Reyes) Attorney General: Bureau of Environmental Justice. Requires, within the Department of Justice, the continued existence of a Bureau of Environmental Justice.

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

Hazardous Materials

AB 1716 (ESTM Committee) Hazardous wastes and materials: certified unified program agencies. Makes various technical changes to the six unified hazardous waste and hazardous materials management regulatory programs that are overseen by CUPAs. Changes include: changes to the management of aerosol cans to conform to changes in federal requirements; clarify the requirements for when a recyclable material can be excluded from classification as a waste; technical and non-substantive changes to the Aboveground Petroleum Storage Act; and, adds treated wood and treated wood waste, as specified, to the list of hazardous materials that could be exempt from the business plan requirements.

Final Status: Signed into law, Chapter 207, Statutes of 2023.

AB 2699 (Carrillo) Hazardous materials: reporting: civil liability. Requires CalEPA to be responsible for the adoption and revision of regulations establishing reporting requirements for a hazardous material, hazardous waste, or hazardous substance release or threatened release. Increases administrative penalties for violations under the Hazardous Materials Business Plan

Program and increases penalties for civil and administrative violations under the California Accidental Release Prevention Program.

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

SB 642 (Cortese) Hazardous materials: enforcement: county counsel. Provides the county counsel with enforcement authority for violations of aboveground storage tank law, underground storage tank law, business and area plan law, and medical waste law, and updates county counsel enforcement provisions of the Hazardous Waste Control Law.

Final Status: Signed into law, Chapter 154, Statutes of 2023.

SJR 13 (Newman) Navy North Hangar Fire: contamination cleanup. Urges the United States Congress and President Joseph R. Biden to support a \$100 million supplemental funding request to address the ongoing impacts on public health, the environment, and the local economy caused by pollution from the Navy North Hangar Fire. Urges President Biden to declare a national emergency due to ongoing impacts. It also urges President Biden and the United States Congress to include in future federal budgets sufficient ongoing operational and maintenance funding for Navy North Hangar Fire remediation.

Final Status: Signed into law, Chapter 149, Statutes of 2024.

Hazardous Waste

AB 2 (Ward) Recycling: solar photovoltaic modules. Requires manufacturers of solar photovoltaic panels to develop and implement an end-of-life management plan for the safe, convenient, and environmentally sound management and recycling of solar photovoltaic panels. Requires CalRecycle to adopt regulations for the implementation of an end-of-life management plan that includes the adoption of an administrative fee, paid by manufacturers of solar photovoltaic panels to CalRecycle to cover their administrative costs.

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

AB 407 (Chen) Hazardous waste: used oil. Allows used oil to be exempt from regulation under state hazardous waste law if it meets specified criteria in existing law, is not subject to regulation as a hazardous waste under federal law, and meets the criteria for exemption as a highly controlled generator of used oil or specified testing requirements within existing law.

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

"Despite meeting certain purity standards, highly controlled used oil is still a hazardous material requiring oversight to mitigate public health and environmental concerns. While I appreciate the author's intent to provide used oil generators with alternative pathways to more sustainable recycling options, this bill undermines the ability of the Department of Toxic Substances Control (DTSC) to investigate and prove violations of improper used oil management practices. I encourage the author to work with the DTSC to develop strategies to achieve recyclability of used oil that are consistent with state health and environmental standards."

AB 495 (Hoover) Battery recycling: records retention. Requires DTSC to continue to post, on and after October 1, 2026, the estimated amount of rechargeable batteries returned for recycling during the previous calendar year.

Final Status: Died in the ESTM Committee.

AB 777 (Cervantes) Hazardous waste: Stringfellow Quarry Class I Hazardous Waste Disposal Site. Prohibits any sample or waste generated from a site other than the Stringfellow Quarry Class I Hazardous Waste Disposal Site (Stringfellow) from being treated, stored, transferred to, or disposed of at the Stringfellow Quarry Class I Hazardous Waste Disposal Site. Requires DTSC to notify the City of Jurupa Valley and the Riverside County Board of Supervisors within three days if any material or substance is treated, stored, transferred to, or disposed of at Stringfellow, if the material or substance did not originate from Stringfellow.

Final Status: Signed into law, Chapter 165, Statutes of 2023.

AB 861 (Santiago) Hazardous waste: Exide Technologies Facility. Requires the BES to contract with an entity that has expertise in remediating contaminated sites for the purpose of

reviewing the DTSC's residential cleanup near the former Exide Technologies lead-acid battery recycling facility in the City of Vernon.

Final Status: Not heard in the Senate Environmental Quality Committee.

AB 1045 (Hart) Hazardous materials: public notices. Requires DTSC, a local agency, or a Regional Water Board, when providing required notices regarding the cleanup of a contaminated site to, in addition to publishing a notice in a newspaper of general circulation, as specified, to use any other reasonable means to publicize the notices, including, but not limited to, the online versions of newspapers, community bulletin boards, civic engagement platforms, app-based platforms, or other digital platforms, if DTSC, a local agency, or a Regional Water Board determines, based on research about the affected community, as described, that the targeted community receives information primarily through media other than print form.

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

AB 1238 (Ward) Hazardous waste: solar panels. Requires, by January 1, 2026, DTSC to develop alternative management standards for the management of photovoltaic modules (or solar panels), instead of managing the photovoltaic modules as hazardous waste.

Final Status: Held in the Senate Rules Committee.

AB 1403 (Garcia) Public safety: fireworks: enforcement: funding. This bill requires OSFM, by January 1, 2025, to collect and analyze data about firework-related fires, damages, and arrests; submit a workload analysis to the relevant committees of the Legislature and train local authorities on relevant regulations related to fireworks, as specified. Additionally, authorizes local agencies, as specified, to adopt an ordinance for the actual and reasonable costs associated with safe and sane and illegal fireworks; and requires the OSFM to develop training for the proper management of seized fireworks.

Final Status: Signed into law, Chapter 368, Statutes of 2023.

AB 2686 (Grayson) Hazardous waste: generation and handling fees. Creates a reduced hazardous waste generation and handling fee for specified projects, including those proposing

to build affordable housing, if the hazardous waste meets specified conditions, and only for hazardous waste generated in calendar years 2021, 2022, and 2023.

Final Status: Held in the Assembly Revenue and Taxation Committee.

AB 2851 (Bonta) Metal shredding facilities: fence-line air quality monitoring. Requires DTSC to require metal shredding facilities to: monitor hazardous waste constituents, report on the results of that monitoring, and implement facility-wide fence-line hazardous waste constituent monitoring requirements.

Final Status: Signed into law, Chapter 743, Statutes of 2024.

AB 3225 (Hoover) Hazardous materials: Green Ribbon Science Panel: meetings. Requires the Green Ribbon Science Panel, which assists DTSC in developing green chemistry policy recommendations, to meet at least 3 times a year.

Final Status: Held in the ESTM Committee.

SB 568 (Newman) Electronic waste: export. Requires a person exporting covered electronic waste (e-waste) or a covered electronic device intended for recycling or disposal to include, in a report submitted to DTSC, a demonstration that before export, they attempted to locate an in-state covered e-waste recycler, and that the waste or device could not be managed by an in-state covered e-waste recycler.

Final Status: Signed into law, Chapter 308, Statutes of 2023.

SB 615 (Allen) Vehicle traction batteries. Requires vehicle traction battery suppliers to ensure the responsible end-of-life management of a vehicle traction battery; report specified information about the vehicle traction batteries to DTSC; and, fully fund the costs of the collection of a battery for which they are required to ensure end-of-life management. Requires DTSC, no later than July 1, 2028, to adopt regulations to implement this bill.

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

"This bill would require that all electric vehicle (EV) batteries in the state be reused, repaired, repurposed, or remanufactured, and eventually recycled at the end of their useful life. The Department of Toxic Substances Control (DTSC) would be responsible for adopting regulations to implement and enforce the bill's requirements, and for establishing a method for EV battery suppliers, secondary users, secondary handlers, and qualified facilities to report EV battery transactions.

I agree with the intent of this bill and the need to responsibly manufacture, recycle, and reuse EV batteries. As California continues to lead the revolution toward a zero-emission transportation future, with a requirement that all new vehicles sold in the state be zero-emission by 2035, responsibly tracking the sale, use, and reuse of these vehicle batteries will be critical. Effective EV battery stewardship also presents an exciting opportunity to develop new innovative industries that use repurposed or recycled batteries.

California has successfully implemented many reuse and recycling systems. These market-based solutions significantly reduce waste and create jobs by turning a challenging product into a resource. However, this legislation places a significant burden on DTSC to implement the policy, instead of building on the success of existing producer responsibility models. I encourage the author to continue working with stakeholders to explore if a producer responsibility organization would yield more equilibrium among public agencies and industry in sharing the administrative burden required by this policy. For these reasons, I cannot sign this bill."

SB 1066 (Blakespear) Hazardous waste: marine flares producer responsibility. Requires, on and after January 1, 2026, producers of covered products (certain pyrotechnic devices that meet the criteria of household hazardous waste products and are used for recreational activities) to develop and implement a manufacturer responsibility plan for the collection, transportation, and the safe disposal and proper management of covered products. The manufacturer responsibility plan must be approved by DTSC. Manufacturers are also required to prepare and submit to DTSC and make publicly available an annual report as specified. This bill also establishes the Marine Flare Recovery Fund and requires DTSC to be reimbursed by manufacturer's for costs to implement and enforce the provisions of this bill.

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

"This bill would establish the Marine Flare Manufacturer Responsibility Act of 2024 and would require manufacturers of covered products to submit for approval a

"manufacturer responsibility plan" to the Department of Toxic Substances Control (DTSC) by January 1, 2026.

While I support the author's goal to provide boaters with a safe and responsible method to dispose of their marine flares, this bill lacks a comprehensive program scope to effectively achieve the goal of protecting human and environmental health and would not cover implementation costs incurred by DTSC. Additionally, this bill falls short in providing DTSC with the appropriate enforcement authority to effectively ensure compliance.

I encourage the author and stakeholders to work with DTSC next year to craft a more comprehensive framework that will ensure these products are managed responsibly and provide sufficient oversight for DTSC."

SB 1143 (Allen) Paint products: stewardship program. (As heard in ESTM): Requires producers of covered products (products that are considered household hazardous waste when disposed) to form a producer responsibility organization for the purposes of providing a convenient collection and management system for covered products at no cost to residents or local governments.

Final Status: Signed into law, Chapter 989, Statutes of 2024.

SB 1234 (Allen) Hazardous materials: metal shredding facilities. Establishes permitting requirements for new and existing metal shredding facilities. Requires an owner or operator of an existing metal shredding facility, within 120 days after the effective date of this bill, to submit to DTSC, for review and approval, specified information that is required for a metal shredding facility permit.

Final Status: Not heard in the Assembly Appropriations Committee.

Pesticides

AB 99 (Connolly) Department of Transportation: state roads and highways: integrated pest management. Requires, on or before January 1 2026, CalTrans to develop a statewide policy to use integrated pest management (IPM) on state roads and highways. Requires, on or before January 1, 2026, CalTrans to annually report on its website the amount, location, and type of pesticides it used. Requires CalTrans to provide a 24 hour notice before applying a pesticide on state roads or highways.

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

"This bill would restrict the use of herbicides and pesticides by the California Department of Transportation (CalTrans) for vegetation management along state roads and highways. The bill would also require Caltrans to comply with stricter local ordinances, and publish annual reports on pesticide use, among other requirements.

While I appreciate the intent to promote environmental stewardship, this bill raises several concerns. By allowing local ordinances to override state standards, the bill conflicts with existing state law, which preempts local regulation of pesticide use. The bill also uses unclear terminology, creating implementation and enforcement challenges, and leading to a regulatory patchwork that complicates Caltrans' ability to manage vegetation safely and efficiently across the state. This would increase administrative burdens and limit Caltrans' ability to use the most effective vegetation management tools along state highways.

California has made significant progress in sustainable pest management through the Sustainable Pest Management (SPM) Roadmap, developed in collaboration with state agencies and stakeholders. This roadmap reflects a holistic, long-term approach to managing pests while protecting human health, the environment, and the economy. Caltrans' existing Integrated Vegetation Management Plan aligns with these efforts. Furthermore, earlier this year, I signed Assembly Bill 2113 (Chapter 60, Statutes of 2024), codifying California's commitment to sustainable pest management.

Moreover, these requirements would result in millions of ongoing costs that were not accounted for in the 2024 Budget Act. In partnership with the Legislature this year, my Administration has enacted a balanced budget that avoids deep program cuts to vital services and protected investments in education, health care, climate, public safety, housing, and social service programs that millions of Californians rely on. It is important

to remain disciplined when considering bills with significant fiscal implications that are not included in the budget, such as this measure.

For these reasons, I cannot sign this bill."

AB 307 (Chen) Structural fumigation enforcement program. Extends the sunset on the Structural Fumigation Enforcement Program in Los Angeles, Orange, and Santa Clara Counties from January 1, 2024, to January 1, 2029.

Final Status: Signed into law, Chapter 82, Statutes of 2023.

AB 363 (Bauer-Kahan) Pesticides: neonicotinoids for nonagricultural use: reevaluation: control measures. Prohibits, beginning January 1, 2025, the sale, possession, or use of a pesticide containing one or more neonicotinoid pesticides, as defined, for any nonagricultural use on nonproduction outdoor or ornamental plants, trees, or turf, as specified. Requires DPR to evaluate the potential impacts of neonicotinoid pesticide uses on pollinating insects, aquatic ecosystems, and human health, as specified.

Final Status: Signed into law, Chapter 520, Statutes of 2023.

AB 1042 (Bauer-Kahan) Pesticide treated seed: labeling. Requires, as specified, the label for pesticide-treated seeds to include specified information, including the signal word, registration number, and the quantity of the pesticide applied.

Final Status: Signed into law, Chapter 348, Statutes of 2024.

AB 1322 (Friedman) Pesticides: second-generation anticoagulant rodenticide: diphacinone. Prohibits the use of the rodenticide diphacinone in wildlife habitat areas, as defined, and prohibits the use of diphacinone in the state until DPR has completed a reevaluation and developed and adopted further restrictions on its use, as specified. Makes changes to existing restrictions on the use of second-generation anticoagulant rodenticides consistent with those placed on diphacinone.

Final Status: Signed into law, Chapter 836, Statutes of 2023.

AB 1864 (Connolly) Pesticides: agricultural use near schoolsites. Requires reporting of specified types of information on applications for permits for the use of restricted materials, notices of intent, and pesticide use reporting forms; requires DPR to adopt changes to the Pesticide Use Near Schools regulations, to expand their application to private schools.

Final Status: Signed into law, Chapter 552, Statutes of 2024.

AB 1963 (Friedman) Pesticides: paraquat dichloride. Requires, on or before January 1, 2029, DPR to complete a reevaluation of paraquat dichloride (paraquat), and make the determination to retain, cancel, or suspend its registration, or to place new appropriate restrictions on the use of paraquat.

Final Status: Signed into law, Chapter 688, Statutes of 2024.

AB 2113 (Garcia) Pesticides. Increases, over a four year period, the mill assessment (a fee on the sale of all pesticides sold into the state), in order to support the programs of DPR.

Final Status: Signed into law, Chapter 60, Statutes of 2024.

AB 2552 (Friedman) Pesticides: anticoagulant rodenticides. Expands the existing prohibition on the use of anticoagulant rodenticides to include a prohibition on the use of the first-generation anticoagulant rodenticides (FGARs) chlorophacinone and warfarin, and imposes civil penalties on the unlawful use of FGARs and second-generation anticoagulant rodenticides.

Final Status: Signed into law, Chapter 571, Statutes of 2024.

Proposition 65

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

AB 1521 (Mike Fong) Proposition 65: certificate of merit. Requires the information supporting a certificate of merit to include information related to the product that is subject to a notice of alleged violation of Proposition 65.

Final Status: Not heard in the ESTM Committee.

AB 3004 (Mike Fong) Proposition 65: certificates of merit: Attorney General communications. Requires a person, when filing an action under the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65), to include the brand name of the product tested with the certificate of merit.

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

Underground Storage Tanks

AB 1115 (Papan). Barry Keene Underground Storage Tank Cleanup Trust Fund Act of 1989: brownfields remediation and redevelopment. Extends the provisions of the Barry Keene Underground Storage Tank Cleanup Trust Fund Act and Underground Storage Tank Cleanup Trust Fund to January 1, 2036.

Final Status: Signed into law, Chapter 561, Statutes of 2023.

Water Quality

AB 279 (Blanca Rubio) San Gabriel Basin Water Quality Authority: annual pumping right assessment. Raises the maximum amount the San Gabriel Basin Water Quality Authority can impose for an annual pumping assessment from \$10 to \$20.

Final Status: Signed into law, Chapter 779, Statutes of 2023

AB 343 (Muratsuchi) 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 Assembly Appropriations Committee on the Suspense File.

AB 565 (Lee) Water quality: pollution prevention plans. Repeals an obsolete provision of law relating to pollution prevention plans (Plans) that are required to be submitted by an entity, when that entity is required to submit a Plan by the State Water Board, a Regional Water Board or a publicly owned treatment works; also makes conforming, non-substantive changes.

Final Status: Not heard in the Senate Environmental Quality Committee.

AB 676 (Bennett) Water: general state policy. Clarifies, for purposes of implementing state policy regarding the management of water resources, what constitutes "domestic purposes." Clarifies that "domestic purposes" include water use for all of the following: human consumption, cooking, or sanitary purposes; care of household livestock and animals; care of household gardens; fire suppression and other safety purposes; and other purposes established by common law.

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

"Current law establishes, as state policy, the highest use of water shall be for domestic purposes. This bill would supplement that policy by specifying what constitutes domestic use, such as human consumption, household gardening and livestock care, and fire suppression.

While I appreciate the author's intent to clarify existing law, which has remained untouched since 1943, this bill has the potential to introduce unnecessary legal uncertainty. Courts have defined domestic use for nearly half a century, and codifying specific definitions now unnecessarily risks inadvertent omissions."

AB 753 (Papan) State Water Pollution Cleanup and Abatement Account: annual proceeds transfers. Creates the Waterway Recovery Account within the Waste Discharge Permit Fund, and transfers forty percent of the funds from the State Water Pollution Cleanup and Abatement Account to the Waterway Recovery Account for projects to improve water quality.

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

"While I appreciate the author's intent to improve clean up of local waterways in disadvantaged communities, this bill reallocates revenue from an oversubscribed fund that is utilized to clean up waste, abate the effects of waste on waters of the state, and address urgent drinking water needs. This funding represents a critical need and we cannot afford to redirect it to a new account."

AB 756 (Papan) Department of Transportation: contaminated stormwater runoff: salmon and steelhead trout bearing surface waters. Requires CalTrans, to develop a programmatic environmental review process to prevent 6PPD and 6PPD-quinone from motor vehicle tires from entering salmon and steelhead trout bearing surface waters of the state.

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

AB 805 (Arambula) Sewer service: disadvantaged communities. Authorizes the State Water Board, until January 1, 2029, to require a sewer service provider—for a sewer system serving a disadvantaged community that has failed to meet regulatory standards, or to maintain the technical, managerial, and financial capacity needed to prevent waste, fraud, and abuse—to contract with an administrator designated or approved by the State Water Board.

Final Status: Signed into law, Chapter 505, Statutes of 2024.

AB 990 (Grayson) Waste discharge requirements: infill housing projects. Requires the San Francisco Bay Regional Water Quality Control Board to initiate modifications to a specified provision in its amended 2022 Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit; engage specified stakeholders in developing these modifications; and make several findings before finalizing the modifications.

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

AB 1596 (Alvarez) Watershed, Clean Beaches, and Water Quality Act: beaches: water quality. Requires the State Water Resources Control Board to identify and implement projects to improve beach access and address ocean water quality on public beaches that experience significant restrictions to use due to bacteria levels that exceed public health standards.

Final Status: Held in the ESTM Committee.

AB 1597 (Alvarez) Water quality: California-Mexico cross-border rivers. Authorizes, upon appropriation, funds to be made available to CalEPA for the North American Development Bank, for the purposes of providing loans, grants, and direct expenditures on projects addressing water quality issues in California-Mexico cross-border watersheds, as provided.

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

AB 1628 (McKinnor) Microfiber filtration. Prohibits, on and after January 1, 2029, a new washing machine from being sold or offered for sale in the state for residential or state use, unless the washing machine contains a microfiber filtration system and bears a conspicuous label, as specified; provides that a person or entity that violates these prohibitions will be—upon an action brought by the Attorney General, city attorney, county counsel, or district attorney—liable for a civil penalty not to exceed \$10,000 for a first violation, and not to exceed \$30,000 for each subsequent violation.

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

"This bill would require all new washing machines sold in California for residential or state use to contain a microfiber filtration system by January 1, 2029, and allows the Attorney General or local prosecutors to assess civil penalties for a violation of this requirement.

My Administration takes seriously the need to reduce the presence of microfibers in our wastewater system. The State Water Board is currently assessing the potential impacts of microplastic pollution to aquatic ecosystems in coastal and estuarine environments, as well as humans through exposure in drinking water. However, I am concerned that this bill will increase costs to consumers in advance of further research being completed and establishing the public policy rationale and details for new residential requirements.

In the interim, I encourage the author to consider alternative approaches to incentivize, rather than mandate, the use of filters or other technologies that could remove microfibers in wastewater."

AB 1798 (Papan) Contaminated stormwater runoff: salmon and steelhead trout bearing surface waters. Requires the CalTrans, in conjunction with the State Water Board, to develop a programmatic environmental review process that includes implementation of five pilot projects, to prevent 6PPD and 6PPD-quinone (6PPD-q) from entering salmon and steelhead trout-bearing surface waters of the state.

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

AB 2214 (Bauer-Kahan) Ocean Protection Council: microplastics. Requires the Ocean Protection Council to lead an interagency coordination group to recommend statutory changes and adopt a workplan to implement recommendations from the 2022 Statewide Microplastics Strategy.

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

"This bill requires the Ocean Protection Council (OPC) to lead an interagency coordination group to recommend statutory changes and adopt a work plan to implement recommendations from the 2022 Statewide Microplastics Strategy.

In 2018, Governor Brown signed Senate Bill 1263, requiring the OPC to develop a Statewide Microplastics Strategy. The resulting Strategy, developed by the OPC in coordination with state agencies and external partners, provides a comprehensive and coordinated approach to identify early actions California can take to address microplastic pollution and advance existing microplastic research.

To date, the OPC has invested \$7 million in funding for plastic pollution projects, including \$3 million in funding specifically for microplastics. Recently funded projects

are focused on examining the efficacy of microplastic removal from wastewater treatment plants; the use of low-impact development projects such as rain gardens and infiltration trenches; identifying sources and pathways of microplastics to stormwater; understanding ecological sensitivity to microplastics; and standardizing microplastic monitoring methods.

As scientific understanding advances, the OPC, alongside state agency partners, will evaluate the findings and lessons learned to provide policy recommendations to the Legislature by December 2025, per existing law. I believe this bill and the requirement for agencies to build out work plans ahead of the publishing of policy recommendations is premature."

AB 2318 (Papan) State Water Pollution Cleanup and Abatement Account: receipts and expenditures: report. Requires, no later than January 1 of each year and beginning on January 1, 2026, the State Water Board to post on its internet website a report describing the receipts and expenditures of the State Water Pollution Cleanup and Abatement Account.

Final Status: Signed into law, Chapter 957, Statutes of 2024.

AB 2501 (Alvarez) Water quality control plans: donations and grants. Authorizes the State Water Board to, on behalf of itself or a Regional Water Board, accept moneys from public agencies for projects of public benefit, as designated.

Final Status: Signed into law, Chapter 833, Statutes of 2024.

AB 2599 (ESTM Committee) Water: public beaches: discontinuation of residential water service. Authorizes a local health officer, in the event of a known untreated sewage release, to use test results from other parties conducting microbiological contamination testing, to satisfy the testing requirements for beach water quality. Specifies that test results shall be available to the public and shall meet the same requirements that apply to local agencies under state law and regulation. Makes a technical change to the Water Shutoff Protection Act.

Final Status: Signed into law, Chapter 411, Statutes of 2024.

AB 2614 (Ramos) Water policy: California tribal communities. Defines tribal water uses and requires this definition to be used by state agencies in place of previously used definitions for tribal traditional cultural uses and tribal subsistence uses. Requires the State Water Board and the Regional Water Boards, when approving a project or regulatory program, to describe how that project or regulatory program would impact tribal water uses.

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

AB 2916 (Freidman) Environmental Health: floating devices: expanded polysterene.

Prohibits, beginning January 1, 2026, the sale, distribution, installation, or arrangement of the installation of two items: an overwater structure, excluding a floating home, that contains EPS or other plastic foam that is not fully enclosed and contained in a shell made of aluminum, concrete, steel or plastic with a minimum thickness of 0.15 inches and a block or float that contains, or is comprised of, EPS or other plastic foam that is not fully enclosed and contained in a shell made of aluminum, concrete, steel or plastic with a minimum thickness of 0.15 inches. Authorizes the State Water Board to adopt rules to implement, administer, and enforce the provisions of the bill and to maintain and revise a list of materials that are approved for use, as specified. Requires existing structures to be in compliance at the time they are repaired or provided maintenance.

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

AB 2933 (Low) Multiunit residential structures and mixed-use residential and commercial structures: water conservation. Requires the Department of Housing and Community Development (HCD) to investigate whether additional water conservation and efficiency measures, including but not limited to, "point-of-use" leak detection technology, are warranted for existing and new multifamily residential construction and mixed-use residential and commercial structures.

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

AB 3073 (Haney) Wastewater testing: illicit substances. Requires CDPH, in consultation with participating wastewater treatment facilities, local public health agencies, and other subject

matter experts, to create a pilot program to test for high-risk substances and related treatment medications in wastewater.

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

AJR 12: (Alvarez) Tijuana River: Cross-border pollution. Urges the United States Congress and President Joseph R. Biden to fully fund the USEPA's Comprehensive Infrastructure Solution for the Tijuana River. This money will be used to address infrastructure inadequacies and cross-border pollution that threaten public health, the environment, and the local economy near the Tijuana River Valley. Urges President Joseph R. Biden to declare a national emergency and to ensure the project has ongoing funds for maintenance and operations. Urges the United States Congress to secure funding for the New River Project to address the impacts on public health, the environment, and the local economy of Imperial County.

Final Status: Signed into law, Chapter 201, Statutes of 2024.

SB 745 (Cortese) The Drought-Resistant Buildings Act. Requires, commencing with the next triennial edition of the California Building Standards Code, HCD, and the Building Standards Commission to research, develop, and propose building standards to reduce potable water use in new residential and non-residential buildings.

Final Status: Signed into law, Chapter 884, Statutes of 2023.

SB 1178 (Padilla) California Water Quality and Public Health Protection Act. Requires the State Water Board to establish regulations for compliance entities, as defined, that govern annual reporting of waste discharges, as specified; requires compliance entities to place a warning label on products sold in California; establishes the California Water Quality and Public Health Impact Fund; and requires administrative penalties authorized under SB 1178 to be deposited into the California Water Quality and Public Health Impact Fund.

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

SB 1208 (Padilla) Waste discharge permits: landfills. Prohibits a Regional Water Board from issuing a waste discharge permit for a new landfill that is used for the disposal of nonhazardous

solid waste, if the new landfill is to be located within the Tijuana River National Estuarine Research Reserve, or within an area that is a tributary of the Tijuana River.

Final Status: Not heard on the Assembly Floor, 3rd reading file.

SB 1440 (Laird) Water quality: stormwater. (As referred to the ESTM): Requires the State Water Board to annually report on reasonable efforts undertaken by Regional Water Boards to identify stormwater dischargers that have not obtained coverage under an appropriate stormwater permit. The contents of this bill were deleted and the bill was amended out of ESTM's jurisdiction to temporarily authorize the Stony Creek Joint Unified School District to operate its schools on a four-day school week, as specified.

Final Status: Signed into law, Chapter 478, Statutes of 2024.

SJR 18 (Padilla) Tijuana River: pollution. Makes a number of declarations regarding health impacts associated with pollution in the Tijuana River, and requests that the federal Centers for Disease Control and Prevention investigate health concerns raised by this pollution.

Final Status: Signed into law, Chapter 175, Statutes of 2024.

2023 – 2024 Oversight and Informational Hearings

Oversight Hearing: The Human Right To Water: Is California Achieving Its Drinking Water Goals?

In 2012, California became the first state to enact legislation recognizing the Human Right to Water. AB 685 (Eng, Chapter 524, Statutes of 2012), established a state policy that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitation. Since then the state has enacted several laws, including increasing funding to improve access to clean, safe, affordable drinking water to all Californians. The implementation of many of these laws, including the funding programs, rests with the State Water Board.

The State Water Board regulates public water systems that provide water for human consumption and have 15 or more service connections, or regularly serve at least 25 individuals daily at least 60 days out of the year. The state does not regulate water systems with less than 15 connections; county health officers oversee those systems. At the local level, 30 of the 58 county environmental health departments in California have been delegated primacy—known as Local Primacy Agencies (LPAs)—by the State Water Board to regulate systems with between 15 and 200 connections within their jurisdiction. For investor-owned water utilities under the jurisdiction of California Public Utilities Commission (CPUC), the State Water Board or LPAs share water quality regulatory authority with CPUC. The State Water Board regulates approximately 7,500 water systems. About one-third of these systems have between 15 and 200 service connections. The number of smaller systems—specifically, those with 14 or fewer connections—is unknown but estimated to be in the thousands.

The federal Safe Drinking Water Act was enacted in 1974 to protect public health by regulating drinking water. California has enacted its own Safe Drinking Water Act to implement the federal law and establish state standards. The USEPA enforces the federal Safe Drinking Water Act at the national level. However, most states, including California, have been granted "primacy" by the USEPA, giving them authority to implement and enforce the federal Safe Drinking Water Act at the state level. SB 861 (Committee on Budget and Fiscal Review, Chapter 35, Statutes of 2014) transferred the Drinking Water Program from CDPH to the State Water Board effective July 1, 2014. This reform created the new Division of Drinking Water within the State Water Board and made other statutory changes, to create efficiencies and facilitate adoption and administration of the Drinking Water Program.

SB 200 (Monning, Chapter 120, Statutes of 2019) created the SAFER program and the Safe and Affordable Drinking Water Fund. The SAFER program supports permanent and sustainable drinking water solutions that ensure all Californians have access to safe, affordable, and reliable drinking water. The Safe and Affordable Drinking Water Fund was established to address funding gaps and provide solutions to water systems, especially those serving disadvantaged communities, to address both their short- and long-term drinking water needs. Since 2019, 185 more water systems are providing safe and affordable drinking water, benefiting over 1.2 million Californians, as a result of SB 200. As of April 2023, the State Water Board has distributed nearly \$700 million in grants for drinking water projects, which is 95% more grant funding provided to water systems in disadvantaged communities than in the three years before the start of the SAFER program. In addition, 94 consolidations of drinking water systems, serving 56,451 people, have been completed through the SAFER program since July 2019.

Actions taken by the State Water Board to support California water systems and improve access to safe and affordable drinking water in 2022 include: consolidating 27 water systems, serving 7,663 residents; the State Water Board sent out over 3,000 letters to water systems recommending consolidation and hosted 12 Water Partnership Training events across the state; the SAFER Program provided short-term solutions, such as emergency well repairs, and bottled and hauled water provision to nearly 24,000 individuals; long-term solutions, such as construction and consolidation, were completed for 42 water systems, including nearly 8.5 million individuals; the State Water Board funded approximately \$21,641,362 million for technical assistance to support 357 water systems; the State Water Board and Local Primacy Agencies completed sanitary surveys for 900 community drinking water systems and 892 non-community drinking water systems, identifying more than 30 significant deficiencies; and, the State Water Board developed new publicly available Dashboards and datasets to improve access to the data and analysis contained in the Needs Assessment.

Over the past several years, the state has seen approximately 900,000 Californians provided clean drinking water; however, there are still approximately 900,000 or so Californians that lack access to safe, clean, affordable water. Many factors impact the state's path to providing clean drinking water to all Californians, including water supply issues, contaminants, costs of treatment and distribution systems, climate change, drought, contamination, economic impacts, the number and nature of small public water systems, especially in disadvantaged communities, and ongoing state and federal regulation.

The Assembly Environmental Safety and Toxic Materials Committee held an oversight hearing on the state's efforts to implement the Human Right to Water. The Committee heard from the State Water Board and various stakeholders on the implementation of various laws and

programs, including challenges, as well as potential solutions that could improve the state's ability to meet the goals of the Human Right to Water.

•**March 13, 2024 Sacramento.** The ESTM Committee held an oversight hearing to review the state's efforts to implement the Human Right to Water. Presentations were given by E. Joaquin Esquivel, Chair State Water Resources Control Board, and 4 stakeholder perspectives. The stakeholders were: Cástulo R. Estrada, Board Vice-President, and Director, Division 5 Coachella Valley Water District; Kyle Jones, Policy and Legal Director, Community Water Center; Karina Cervantez, Managing Director, California Association of Mutual Water Companies; and, Rami Kahlon, Director of Regulatory Affairs California Water Service.

Joint Oversight Hearing: Progress on Department of Toxic Substances Control Reform

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).

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. In 2021, after years of legislative hearings and policy changes, the Legislature enacted SB 158 (Committee on Budget and Fiscal Review, Chapter 73, Statutes of 2021) which mandated several policy reforms to DTSC, stabilized funding, and created the BES.

The five member BES sets policy and prioritizes transparency and accountability for DTSC. SB 158 also enacted fee reform, by eliminating and modifying some fees. This included repealing the generator fee and instead established the new generation and handling 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 BES and the development of a hazardous waste management plan, and provide DTSC with a prudent reserve. Lastly, SB 158 included \$500 million for the cleanup of contaminated sites, including priority for sites where there are high environmental burdens and sensitive populations.

In 2008, AB 1879 (Feuer and Huffman, Chapter 559, Statutes of 2008) and SB 509 (Simitian, Chapter 560, Statutes of 2008) lay the statutory foundation for the state's Green Chemistry Program and established a comprehensive approach to chemicals policy. AB 1879 mandates that a regulatory process be established for identifying and prioritizing chemicals of concern in consumer products and to create methods for analyzing alternatives to existing hazardous chemicals. SB 509 establishes the Toxics Information Clearinghouse, with the goal of increasing public knowledge about the toxicity and hazards of thousands of chemicals used in California every day. The pace of regulation of harmful chemicals in consumer products under the SCP

Program has been slow. In the 16 years since the passage of the original Green Chemistry legislation, DTSC has adopted eight Priority Products, with three additional products under development. While regulation of harmful chemicals in consumer products proceeds slowly under the SCP Program, the Legislature can and does pass bills banning certain chemicals in products. In 2023-24 alone, 15 bills to ban or restrict the use of chemicals in products were introduced.

The Governor's 2024 May Revision included trailer bill language and a Budget Change Proposal to address the structural deficit in the Hazardous Waste Control Account (the primary funding source for DTSC's hazardous waste regulatory activity). The proposed statutory changes included in the enacted budget do the following: clarify fee exemptions to be consistently applied and aligned with intent of SB 158 (DTSC's Governance and Fee Reform); define "release" to be consistent with site mitigation language; mandates DTSC to adopt regulations establishing an exemption review process and reporting requirements; provide DTSC emergency rulemaking authority on fees administration; replace CDTFA penalties (for paying late) with escalating penalties based on delinquency period; and, provide technical code cleanup.

- **August 13, 2024 – Sacramento.** The ESTM Committee and the Senate Environmental Quality Committee held a joint oversight hearing on Tuesday, August 13, 2024, to provide an update on DTSC's progress on reforms and provide an opportunity to evaluate progress that has been made to improve DTSC. The update was provided through testimony from the BES Chair, Jeanne Rizzo, and the Director of DTSC, Meredith Williams.

Joint Oversight Hearing: Progress on Department of Toxic Substances Control Reform: One-Year Update

The Legislature has conducted numerous hearings on DTSC to evaluate four main areas: (1) reviewing and monitoring the department's strategic plan and reorganization; (2) auditing cost recovery at the department; (3) reviewing staffing needs to improve permit backlogs and business operations; and, (4) improving the department'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 remained, as well as a fiscal deficit.

In 2021, as a result of months of negotiation, SB 158 was enacted. SB 158 included the creation of the five member BES that sets policy and prioritizes transparency and accountability for DTSC. Each member of the BES must meet at least one qualification from a specified list and the BES 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 BES and the development of a hazardous waste management plan, and provide DTSC with a prudent reserve. 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 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 23, 2023 – Sacramento. The ESTM Committee and the Senate Environmental Quality Committee held a joint oversight hearing on Wednesday, August 23, 2023, to provide an update on DTSC's progress on reforms and provide an opportunity to evaluate progress that has been made to improve DTSC. The update was provided through testimony from the BES Chair, Jeanne Rizzo, and Meredith Williams, Director of DTSC. Stakeholder perspective on implementation of DTSC Reform was provided by: Ingrid Brostrom, Climate and Sustainability Program Director, UC Merced Community

and Labor Center; and Dawn Koepke, McHugh Koepke Padron on behalf of the California Council for Environmental & Economic Balance (CCEEB).

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