

Assembly Bill No. 1173

CHAPTER 987

An act to add Section 39930 to the Health and Safety Code, relating to air pollution.

[Approved by Governor September 27, 2002. Filed with Secretary of State September 27, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1173, Keeley. Air pollution: indoor air pollution.

Under existing law, the State Air Resources Board is the state agency charged with coordinating efforts to attain and maintain ambient air quality standards. Existing law requires the state board to identify toxic air contaminants that are emitted into the ambient air of the state. Existing law also requires the state board to adopt airborne toxic control measures to reduce the emissions of toxic air contaminants from nonvehicular sources.

This bill would require the state board, by January 1, 2004, in consultation with the State Department of Health Services, the Office of Environmental Health Hazard Assessment, the State Energy Resources and Development Commission any other state agency the state board determines appropriate, affected indoor emission sources, and interested members of the public, to provide a report to the Legislature summarizing the best scientific information available on indoor air pollution, the potential adverse effects of indoor air pollution on public health in the state, readily available information about the effects of existing regulations, and current industry practices in mitigating those exposures, and listing the biological and radiological substance work performed by other state and federal entities. The bill would require the state board to contract with the National Academy of Sciences, the University of California, the California State University, or a similar institution of higher learning with scientific expertise, or with a scientist or group of scientists of comparable stature that is recommended by the President of the University of California, to conduct an external peer review of the report. The bill would require that peer review process to be completed, and the state board to present and review the contents of the report at a public meeting, prior to the state board providing the report to the Legislature.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Public health, safety, and welfare may be endangered by the emission of pollutants into the indoor air.

(b) According to the United States Environmental Protection Agency, pollutant levels indoors can be significantly higher than levels outdoors.

(c) Californians have been found to spend about 87 percent of their time indoors. Vulnerable populations, including, but not limited to, the elderly and children, may spend even more time indoors.

(d) Indoor air pollutants can cause cancer, respiratory disease, and other adverse health effects, as well as trigger allergies and asthma attacks.

(e) Exposure patterns among infants and children are likely to result in disproportionately high exposure to indoor air pollutants in comparison to the general population.

(f) Infants and children may be more susceptible to indoor air pollutants in comparison to the general population.

(g) The effects of exposure to toxic air contaminants and other substances that have a common mechanism of toxicity on infants and children should be addressed.

(h) The interaction of multiple indoor air pollutants on infants and children, including the interaction between criteria air pollutants and toxic air contaminants, should be addressed.

(i) In 1996, the federal General Accounting Office found that California's schools ranked as the worst in the nation for indoor environmental conditions, including lighting, heating, noise, and air quality. Twenty-nine percent of California schools were reported as having unsatisfactory ventilation and 22 percent were reported as having unsatisfactory air quality.

(j) A statewide report on indoor air pollution is necessary and desirable to determine the public health hazards caused by indoor air contaminants and potential mitigation measures to resolve those hazards.

SEC. 2. Section 39930 is added to the Health and Safety Code, to read:

39930. (a) The state board shall, not later than January 1, 2004, in consultation with the State Department of Health Services, the Office of Environmental Health Hazard Assessment, the State Energy Resources Conservation and Development Commission, any other state agency the state board determines is appropriate, affected indoor emission sources,



and interested members of the public, provide a report to the Legislature summarizing all of the following:

(1) The best scientific information available including, but not limited to, the most recent empirical data, on indoor air pollution including, but not limited to, air contaminants that have been identified as toxic air contaminants pursuant to Sections 39655, 39657, or 39660, or air contaminants for which the state board has adopted ambient air quality standards.

(2) The potential adverse effects of indoor air pollution exposure on public health in the state, including, but not limited to, vulnerable populations, including, but not limited to, elderly persons, infants, and children, based upon the information described in paragraph (1).

(3) Readily available information about the effects of existing regulations and current industry practices in mitigating those exposures.

(4) A listing that references work performed by other state or federal entities regarding biological and radiological substances, including a summary of activities conducted by the State Department of Health Services pursuant to Chapter 18 (commencing with Section 26100) of Division 20.

(b) The report described in subdivision (a) shall include all of the following:

(1) A list of indoor air pollutants that are described in the summaries provided pursuant to paragraphs (1) and (4) of subdivision (a).

(2) A list of indoor air pollutants, as defined in Section 39013, ranked in groups designated as high, medium, and lower priorities, that the state board has determined, based upon empirical data or other scientific information, are likely to have the most significant adverse impacts on human health through exposures in schools, nonindustrial workplaces, homes, and other indoor locations, and the probable source categories for these pollutants.

(3) An analysis of the indoor emissions, indoor exposures, and potential health effects from the indoor source categories described in paragraph (1), and options for mitigating those health effects in schools, nonindustrial workplaces, homes, and other indoor locations, including, but not limited to, a discussion of the feasibility and public health effects of implementing each option.

(4) A description of options for schools and school districts to improve indoor air quality in public schools. The state board shall develop these options in consultation with representatives from school district facility departments, school district maintenance departments, and statewide educational organizations.

(c) (1) The state board shall enter into an agreement with the National Academy of Sciences, the University of California, the



California State University, or a similar institution of higher learning that has scientific expertise, any combination of those entities, or with a scientist or group of scientists of comparable stature and qualifications that is recommended by the President of the University of California, to conduct an external scientific peer review of the scientific basis for the report described in subdivision (a).

(2) The state board may not submit the report to the Legislature until all of the following conditions are met:

(A) The draft report is submitted to the external scientific peer review entity described in paragraph (1) for evaluation.

(B) The external scientific peer review entity, within the timeframe agreed upon by the board and the external scientific peer review entity, prepares written comments that contain an evaluation of the scientific basis for the draft report. If the state board disagrees with any aspect of the findings of the external scientific peer review entity, the state board shall include as part of the final report, an explanation of its basis for arriving at that determination, including, but not limited to, the reasons that the state board determined that the report was based on sound scientific knowledge, methods, and practices.

(d) The state board shall present and review the content of the report described in subdivision (a) at a public meeting prior to providing the report to the Legislature.

