

AMENDED IN SENATE MAY 4, 2004
AMENDED IN SENATE APRIL 28, 2004
AMENDED IN SENATE APRIL 15, 2004
AMENDED IN SENATE APRIL 12, 2004
AMENDED IN SENATE MARCH 17, 2004

SENATE BILL

No. 1168

**Introduced by Senator Ortiz
(Coauthor: Senator Kuehl)**

February 3, 2004

An act to add Chapter 8 (commencing with Section 105440) to Part 5 of Division 103 of the Health and Safety Code, relating to public health, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1168, as amended, Ortiz. Healthy Californians Biomonitoring Program.

Existing law establishes various programs for the protection of the public from exposure to toxins, including, but not limited to, the Childhood Lead Poisoning Prevention Act, administered by the State Department of Health Services, which imposes a fee upon manufacturers or persons who are responsible for lead contamination and applies the proceeds of the fee to reduction or elimination of the harm caused by the lead contamination.

This bill would, *commencing January 1, 2006*, similarly require the Division of Environmental and Occupational Disease Control within the department to establish the Healthy Californians Biomonitoring

Program to, with certain exceptions, assess a fee upon manufacturers or persons who directly produce toxic chemicals, as defined, and would authorize the department to adopt related regulations. This bill would list toxic chemicals that are subject to the bill and would authorize the Office of Environmental Health Hazard Assessment within the California Environmental Protection Agency to adopt regulations to add other chemicals to the list.

This bill would require the department and the agency to establish an advisory panel to assist the department and the agency, and would provide for a phased implementation of the biomonitoring program with full implementation commencing after completion of initial pilot programs which would be required to be completed by January 1, 2008 2009.

This bill would require the agency to establish ~~the~~ *an appropriate fee schedule* and would require the agency and the department to annually adjust the fee. The bill would establish the Healthy Californians Biomonitoring Fund for deposit of the fees and would continuously appropriate the proceeds of the fee to the agency for the biomonitoring program. The bill would require the department to provide public access to information, and to report to the Legislature and the public.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Chronic disease has reached epidemic proportions in the
- 4 United States. An estimated 125 million Americans, or 43 percent
- 5 of the population, have at least one chronic condition.
- 6 Approximately 60 million people, or 21 percent of the population,
- 7 suffer from multiple chronic conditions. Chronic illness also
- 8 affects the young. Roughly 20 million of America's children suffer
- 9 from at least one chronic health problem. Cancer, asthma, birth
- 10 defects, developmental disabilities, endometriosis, infertility, and
- 11 multiple sclerosis are becoming increasingly common, and
- 12 mounting evidence links incidence and severity of these diseases
- 13 to environmental toxicants.
- 14 (b) Chronic diseases cost the state billions of dollars per year.
- 15 For example, the estimated total cost of asthma in California is



1 approximately \$1.27 billion annually. The estimated lifetime costs
2 of medical and other treatment, plus lost productivity for all
3 affected individuals born in 1988 with one or more of the 18 most
4 common birth defects, exceeds \$1 trillion. Special education for
5 children with learning disabilities, estimated to be more than one
6 million California children, could carry an annual price tag of \$12
7 billion. Viewed in economic terms, and terms of treatment, care,
8 and lost productivity, the cost of chronic diseases for both the
9 public and the private sector is staggering.

10 (c) An estimated 85,000 chemicals are registered for use today
11 in the United States. Another 2,000 chemicals are added each year.
12 Some toxicological screening data exists for only 7 percent of
13 these chemicals. More than 90 percent of these chemicals have
14 never been tested for their effects on human health. Many of these
15 chemicals are in daily use in cosmetics, hair products, pesticides,
16 food dyes, cleaning products, fuels, and plastics. Moreover, many
17 of these chemicals persist in the environment, and accumulate and
18 remain in body fat, including breast tissue, for decades.

19 (d) Of the estimated 85,000 chemicals, many have been shown
20 to be toxic to humans at various levels of exposure. The chemicals
21 set forth in Chapter 8 (commencing with Section 105440) of Part
22 5 of Division 103 of the Health and Safety Code, represent those
23 chemicals that the current scientific data have shown to cause harm
24 to human health. The Legislature finds that action is necessary to
25 identify the presence of these chemicals in individuals and
26 communities, to educate and counsel affected individuals and
27 communities, and to develop strategies to prevent or minimize the
28 harmful effects of the chemicals.

29 (e) The data produced through biomonitoring can support
30 efforts to improve public health by indicating trends in chemical
31 exposures, validating exposure modeling and survey methods,
32 supporting epidemiological studies, identifying
33 disproportionately affected communities or particularly
34 vulnerable communities, assessing the effectiveness of current
35 regulations, and helping to set priorities for action. Furthermore,
36 the systematic collection and analysis of biospecimens from
37 individuals may also have significant public health implications
38 since individual body burden data may be useful in extrapolating
39 the levels of exposure to environmental toxicants by a community
40 as a whole.



1 (f) Biomonitoring studies have shown human contamination
2 with a multitude of persistent chemicals is both chronic and
3 widespread. A report by the Centers for Disease Control and
4 Prevention in January 2003 documented the presence of 116
5 environmental chemicals in the blood and urine of Americans of
6 all ages and races. Breast milk research has detected more than 200
7 toxic chemicals, including flame retardants, dioxins,
8 polychlorinated biphenyls (PCBs), DDT, and other pesticides.
9 Like no other body fluid, breast milk reflects the internal
10 contamination of the target organ for breast cancer. Many of the
11 contaminants found in breast milk are known to cause mammary
12 tumors in animals. Germany and Sweden have national breast milk
13 monitoring programs and this research has broad public health
14 implications throughout the world. However, to date, relatively
15 little research has been conducted in the United States to determine
16 levels of contaminants in humans.

17 (g) The presence of toxins in breast milk raises a special health
18 concern for breastfeeding mothers. However, the greatest risk
19 from exposure to harmful chemicals is during in utero
20 development, and medical research shows that mother's milk,
21 with its species-specific optimal nutrition and its
22 anti-inflammatory agents, including, but not limited to,
23 antioxidants, helps a child develop a stronger immune system and
24 other potential protections against environmental pollutants and
25 pathogens. Breast milk is the most critical and nutritious food for
26 infants. Studies also show that breast milk helps protect the infant
27 from illnesses and allergies, reduces the risk of childhood cancer
28 and multiple sclerosis and heart disease later in life, and provides
29 the infant with needed nutrients during critical periods of growth.
30 Breastfeeding mothers, infants, and expectant mothers, remain a
31 focus because certain persistent toxic chemicals tend to
32 concentrate in breast milk, and because breastfeeding remains the
33 healthiest manner of sustaining a young infant.

34 (h) The priority public policy recommendation from the 2002
35 International Summit on Breast Cancer and the Environment, held
36 in Santa Cruz, California, was to establish a national
37 biomonitoring program in the United States using breast milk and
38 other biospecimens to assess community health.

39 (i) In September 2001, the Legislature passed Senate Bill 702
40 (Chapter 538, Statutes of 2001), making California the first state



1 in the nation to begin planning a statewide environmental health
2 tracking network for chronic diseases and environmental hazards
3 and exposures. The SB 702 Expert Working Group spent more
4 than a year on a mandated report on the development of a health
5 tracking system in California for the State Department of Health
6 Services and the Legislature. The report recommends the
7 establishment of a statewide biomonitoring program.

8 (j) Therefore, the Legislature declares that a statewide
9 biomonitoring program will expand the possibilities for
10 biomedical, epidemiological, and behavioral public health
11 research. There is a need for California, an established leader in
12 health promotion, health policy, and health care delivery and
13 response, to encourage and fund this research, which is vital to the
14 health and well-being of millions of citizens by developing
15 prevention measures for a full spectrum of diseases related to
16 environmental exposures.

17 SEC. 2. Chapter 8 (commencing with Section 105440) is
18 added to Part 5 of Division 103 of the Health and Safety Code, to
19 read:

20

21 CHAPTER 8. HEALTHY CALIFORNIANS BIOMONITORING PROGRAM

22

23 Article 1. General

24

25 105440. (a) This chapter shall be known, and may be cited,
26 as the Healthy Californians Biomonitoring Program.

27 (b) For the purposes of this chapter, the following words have
28 the following meanings:

29 (1) "Department" means the State Department of Health
30 Services.

31 (2) "Agency" means the California Environmental Protection
32 Agency.

33 (3) "Director" means the Director of Health Services.

34 (4) "Secretary" means the Secretary for Environmental
35 Protection.

36 (5) "Division" means the Division of Environmental and
37 Occupational Disease Control within the department.

38 (6) "Office" means the Office of Environmental Health
39 Hazard Assessment within the agency.

40 (7) "Division director" means the director of the division.



1 (8) “Office director” means the director of the office.

2 (9) “Biomonitoring” means the process by which the presence
3 and concentration of toxic chemicals and their metabolites are
4 identified within a biospecimen as a means to assess the chemical
5 body burden.

6 (10) “Biospecimen” means a sample of human blood, hair,
7 urine, breast milk, body fat and other body tissue, or any other
8 biophysical substance that is reasonably available as a medium to
9 measure the presence and concentration of toxic chemicals.

10 (11) “Toxic chemicals” means those chemicals that have been
11 demonstrated, through data provided by scientific peer reviewed
12 animal, cell, or human studies, to be known to negatively impact,
13 or strongly suspected of negatively impacting, human health by
14 contributing to an increase in serious illness or mortality, as set
15 forth in Article 3 (commencing with Section 105451).

16 (12) “Fund” means the Healthy Californians Biomonitoring
17 Fund established pursuant to Section 105457.

18 (13) “Panel” means the Healthy Californians Biomonitoring
19 Program Advisory Panel established pursuant to Article 2
20 (commencing with Section 105448).

21 (c) *This chapter shall become operative January 1, 2006.*

22 105441. The division in collaboration with the agency shall
23 establish the Healthy Californians Biomonitoring Program. The
24 division is the lead agency for the program unless otherwise
25 specified in this chapter. The program shall utilize biospecimens,
26 as appropriate, to identify toxic chemicals that are present in the
27 bodies of Californians and shall initiate plans to minimize
28 exposure to these contaminants. Biomonitoring shall take place on
29 a strictly voluntary and confidential basis. Results reported
30 pursuant to this chapter shall not disclose individual confidential
31 information of participants. The program shall make services
32 under this chapter available to persons and communities on a
33 statewide basis.

34 105442. (a) The program’s first activities shall be the
35 examination of breast milk in three economically, racially, and
36 geographically diverse communities, and shall identify the
37 chemicals that are present in breast milk, investigate relationships
38 between specific environmental toxins and geographic areas, and
39 initiate plans to minimize exposure to these contaminants. The
40 initial activities shall assist in refining protocols, material



1 development, program planning, design implementation, and
2 dissemination of findings by January 1, ~~2007-2008~~.

3 (b) The program shall expand by examining any other
4 biospecimens in additional communities by January ~~2008-2009~~.

5 105443. (a) All participants shall be evaluated for the
6 presence of toxic chemicals as a component of the biomonitoring
7 process. Participants shall receive consultation, health care
8 referrals, followup counseling, and shall be offered educational
9 activities and materials, including, but not limited to, possible
10 routes of exposure, ways to reduce exposure, and state or local
11 resources. Any public or private entity, including local agencies,
12 may provide these activities by contract.

13 (b) In instances when a toxic chemical is detected in the
14 program participants, the following may apply:

15 (1) The office, the Department of Toxic Substances Control,
16 the Air Resources Board, and other public and private entities, as
17 appropriate, may collaborate to determine the presence of a toxic
18 chemical in the environment and possible routes of exposure, in
19 quantifiable amounts. These entities may determine the presence
20 through any of the following activities:

21 (A) The sharing of existing data and studies.

22 (B) The environmental assessments of soil, water, air, food,
23 homes, consumer products, or aspects of a particular community.

24 (2) The department and the agency, in consultation with the
25 panel, may develop recommendations for the reduction or
26 minimization of the toxic chemical contamination or exposure.

27 (3) The department and the agency may contract with any
28 public or private entity, including local agencies, to conduct
29 activities set forth in this subdivision.

30 (c) The department may provide funding for community
31 education programs to help avoid exposure or reduce harmful
32 exposures.

33 (d) The department and agency shall collect and analyze all
34 information necessary to effectively monitor the activities set forth
35 in Section 105442, and shall prepare a biennial report describing
36 the effectiveness of the efforts. This report shall be made available
37 to local health departments and the general public.

38 105444. (a) The department shall adopt guidelines to
39 implement this chapter, including, but not limited to, all of the
40 following:



1 (1) The development of model protocols, or program
2 guidelines, that address the science and practice of biomonitoring,
3 to be utilized pursuant to this chapter and the procedures for
4 changing those protocols to incorporate new and more accurate or
5 efficient technologies as they become available. The model
6 protocols shall comply with all of the following:

7 (A) They shall be developed utilizing a peer review process in
8 a manner that is participatory and community-based in the design,
9 implementation, evaluation, and communication of findings.

10 (B) They shall include guidelines for ensuring confidentiality,
11 informed consent, followup counseling and support, and
12 communicating findings to participants, communities, and the
13 general public.

14 (C) For biomonitoring using breast milk, the guidelines for
15 individual consultation and community education shall ensure that
16 parents understand the importance of breastfeeding so that the
17 program does not have any unintended and unwarranted negative
18 effects upon a parent's decision whether to breastfeed.

19 (2) (A) The development of educational and outreach
20 materials, for dissemination to program participants and
21 communities, that are culturally appropriate and translated as
22 needed.

23 (B) Priority shall be given to the development of materials
24 specifically designed to ensure that parents are well informed
25 about all of the benefits of breastfeeding so that the program does
26 not result in an unjustified fear of toxins in breast milk which might
27 inadvertently lead parents to avoid breastfeeding.

28 (C) The materials shall also communicate relevant scientific
29 findings, body burden data, possible routes of exposure,
30 population-based health effects and toxicity, the benefits of linking
31 chemical body burdens to community health, and the regulatory
32 responses by local, state, and other governmental entities to
33 regulate toxicant exposures.

34 (3) The development of a training program specifically for
35 health care providers, health educators, and other program
36 administrators that is culturally sensitive.

37 (4) The designation of state or private laboratories that are
38 qualified to analyze biospecimens and report the findings.

39 (b) The guidelines shall also serve as a guide for other
40 biomonitoring programs supported by state funds.



1 105445. The department, to the extent that funds are
2 available, may enter into contractual agreements with health
3 clinics, community-based organizations, or experts in a particular
4 field to perform any of the activities enumerated in the guidelines
5 adopted pursuant to Section 105444.

6 105446. To the extent that funds are available pursuant to this
7 chapter, moneys may be allocated from the fund for the purpose
8 of strengthening the state’s laboratory capacity in order to meet the
9 responsibilities enumerated in this chapter.

10 105447. The office, in consultation with the panel, and to the
11 extent that funds are available, may evaluate the available data on
12 the persistence, bioaccumulation, and toxicity of known potential
13 alternatives to toxic chemicals pursuant to this chapter.

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15 Article 2. The Advisory Panel

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17 105448. (a) The department and agency shall establish the
18 Healthy Californians Biomonitoring Program Advisory Panel.
19 The panel shall be composed of two committees, the Scientific
20 Committee and the Community Representative Committee, with
21 a combined membership of 16 members.

22 (b) The secretary shall appoint the Chair of the Scientific
23 Committee and the director shall appoint the Chair of the
24 Community Representative Committee from the panel’s
25 membership, who shall also serve as cochairs of the panel.

26 (c) The panel shall meet as often as it deems necessary, with
27 consideration of available resources, but at a minimum on a
28 quarterly basis.

29 (d) Members of the panel and the committees shall serve
30 without compensation, but shall be reimbursed for travel and other
31 necessary expenses incurred in the performance of their duties
32 under this chapter.

33 (e) The panel shall make recommendations to the division and
34 office regarding the design and implementation of the program.

35 (f) The division, office, and the panel shall work and
36 communicate with the Primary Care and Family Health Division
37 of the department, and other offices concerning interagency
38 information sharing and the synchronization of environmental
39 tracking and policy formation. However, personal information, as
40 defined in Section 1798.3 of the Civil Code, shall not be shared



1 without the written and informed consent of the individual to
2 whom it pertains.

3 (g) The department may consider the analytical methods
4 utilized by the federal Centers for Disease Control and Prevention
5 for the studies known collectively as the National Report on
6 Human Exposures to Environmental Chemicals.

7 105449. The director, the secretary, the President pro
8 Tempore of the Senate, and the Speaker of the Assembly shall each
9 appoint four members of the panel. All members shall be
10 appointed to the panel by July 1, ~~2005~~-2006. Each member shall
11 be appointed for a three-year term. *All appointments made by the*
12 *director and the secretary shall be approved by the Governor.*

13 (a) The Scientific Committee shall be composed of eight
14 members with background or training in interpreting
15 biomonitoring studies or in related fields or science, including, but
16 not limited to, the fields of health tracking, social science,
17 laboratory science, occupational health, industrial hygiene,
18 toxicology, epidemiology, environmental hazards, and public
19 health.

20 (b) The Community Representative Committee shall be
21 composed of eight members from the following nongovernmental
22 organizations:

23 (1) One member from a breast cancer awareness organization.

24 (2) One member from an organization with a focus on
25 environmental health.

26 (3) One member from an organization with a focus on
27 environmental justice.

28 (4) One member from an organization with a focus on child
29 environmental health.

30 (5) One member from an organization promoting
31 breastfeeding.

32 (6) One member from a labor organization.

33 (7) One member from private industry with a verifiable and
34 consistent commitment to sustainable core business practices that
35 reduce environmental toxins.

36 (8) One member from a public health organization.

37 (c) (1) The director and the secretary shall appoint the
38 following additional nonvoting members to the Community
39 Representative Committee:



1 (A) One representative from the Maternal and Child Health
2 Branch of the department.

3 (B) One member from each participating community.

4 (2) Members appointed pursuant to this subdivision may be
5 reappointed at any time and are not subject to the three-year term.

6 105450. (a) The Scientific Committee shall review program
7 priorities, draft protocols, study reports and the list of chemicals
8 provided by the division and the agency, and make science-based
9 recommendations to the panel on all of the following:

10 (1) Chemicals that should be added to or deleted from the list
11 of chemicals of concern.

12 (2) Priorities for biomonitoring in California.

13 (3) The adequacy of draft protocols for biomonitoring
14 investigations.

15 (4) The adequacy and appropriate interpretation of reports of
16 biomonitoring investigations carried out under the program.

17 (5) Collecting and analyzing the data.

18 (b) The Community Representative Committee shall make
19 recommendations to the panel on all of the following:

20 (1) Study sites or communities for the program, and identifying
21 community partners.

22 (2) Review of model protocols, training programs, and
23 educational and outreach materials.

24 (3) Review of draft legislative reports.

25 (4) Review the interpretation and dissemination of findings to
26 biomonitoring program participants and to the general public.

27 (c) The Community Representative Committee shall consider
28 the criteria and recommendations generated by the department's
29 Biomonitoring Planning Project, the California Environmental
30 Health Tracking Network, and the California Environmental
31 Health Tracking Program when making its recommendations.

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Article 3. Toxic Chemicals

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35 105451. The following chemicals are toxic chemicals subject
36 to this chapter and the Legislature declares that these chemicals
37 have met the criteria set forth in subdivision (b) of Section 105452.
38 Any manufacturer or person who is responsible for either
39 producing or distributing the chemicals shall pay the fees assessed
40 by the agency as set forth in this chapter:



- 1 Acrolein
- 2 Alachlor
- 3 Antimony and compounds
- 4 Arsenic and compounds
- 5 Atrazine
- 6 Benzene
- 7 Benzyl Butyl Phthalate (BBP)
- 8 Beryllium and compounds
- 9 Bisphenol A
- 10 1,3-butadiene
- 11 Cadmium and compounds
- 12 Carbon tetrachloride
- 13 Chloroform
- 14 Chlordimeform
- 15 Chlorpyrifos
- 16 Chromium and compounds
- 17 Cobalt and compounds
- 18 Decabrominated diphenyl ethers (DecaBDE)
- 19 Diazinon
- 20 Dibutyl phthalate (DBP)
- 21 2,4-Dichlorobenzene
- 22 1,4-Dichlorobenzene
- 23 1,2-Dichloroethane
- 24 Di-20ethylhexylphthalate (DEHP)
- 25 Dichlorvos
- 26 Dicofof
- 27 Endosulfan
- 28 Ethyl benzene
- 29 Lead and compounds
- 30 Malathion
- 31 Manganese and compounds
- 32 Mercury and compounds
- 33 Methomyl
- 34 Methoxychlor
- 35 Methyl chloroform
- 36 Methyl Parathion
- 37 Methylene Chloride
- 38 Musk Ketone
- 39 Musk Xylene
- 40 Naled



- 1 Paraquat
- 2 Parathion
- 3 Pentabrominated diphenyl ether (PentaBDE)
- 4 Pentachloronitrobenzene
- 5 Perchloroethylene
- 6 2-phenylphenol
- 7 Polybrominated biphenyls (PBBs)
- 8 Perfluorooctanoic acid or chemicals that degrade to PFOA
- 9 Perfluorooctane sulfonate
- 10 Propoxur
- 11 Tetrabromobisphenol A
- 12 Toluene
- 13 2,4-Toluene Diisocyanate
- 14 Triclosan
- 15 2,4,6-trichlorophenols
- 16 Trifluralin
- 17 Xylenes

18 105452. In addition to the list of toxic chemicals set forth in
19 Section 105451, the director and the secretary may add additional
20 toxic chemicals within the scope of this chapter if all of the
21 following criteria are met:

22 (a) The chemical is recommended for inclusion within the
23 scope of this chapter by the Scientific Committee pursuant to
24 Section 105450.

25 (b) The secretary finds all of the following:

26 (1) The scientific, peer reviewed data from animal, cell, or
27 human studies have demonstrated the chemical to be known or
28 strongly suspected to negatively impact human health by
29 contributing to an increase in serious illness or mortality.

30 (2) Californians are exposed to the chemical.

31 (3) The chemical is listed as a toxic chemical on either a state
32 or federal list.

33 (4) The chemical has been found in sufficient quantities to
34 ensure that the fee assessment, when compared to the projected
35 administrative costs under this chapter associated with that
36 chemical, would be economically viable.

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Article 4. Fiscal Provisions

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105453. The program implemented pursuant to this chapter shall be fully supported from the fees collected pursuant to this chapter. Notwithstanding the scope of activity mandated by this chapter, in no event shall this chapter be interpreted to require services necessitating expenditures in any fiscal year in excess of the fees, and earnings therefrom, collected pursuant to this chapter. Except for startup activities initially funded from loans as set forth in Section 105458, this chapter shall be implemented only to the extent that fee revenues are available for expenditure for purposes of this chapter.

105454. (a) There is hereby imposed a fee on the first point of sale on all of the following:

(1) Manufacturers and other persons who directly produce any toxic chemical set forth in this chapter.

(2) Any business or person who is in nonretail business and who distributes within the state any toxic chemical listed in this chapter.

(b) The agency shall, by regulation, establish ~~specific fees not to exceed _____ dollars (\$_____)~~ *per pound an appropriate fee schedule* to be assessed on manufacturers, importers, and distributors.

105455. (a) To the maximum extent practicable, the fees shall be assessed on the basis of a manufacturer’s or person’s present responsibility for environmental toxic chemical contamination.

(b) No fee shall be assessed upon any retailer *of* products containing toxic chemicals.

(c) The agency may collect the fees imposed pursuant to this section or may contract with the State Board of Equalization or another party for collection of fees due under this section.

105456. (a) The annual fee assessment shall be adjusted by the department and agency to reflect the increase in the annual average of the California Consumer Price Index, as recorded by the Department of Industrial Relations, for the most recent year available.

(b) No fee shall be assessed upon a party if that party demonstrates to the agency’s satisfaction, or the agency determines that a party shall not be assessed, after providing



1 scientific, academic, and peer reviewed research, that the party
2 merits an exemption from this chapter because the party's conduct
3 did not contribute in any manner to the toxic chemical
4 contamination, or the toxic chemical does not currently result in
5 quantifiably persistent human toxic chemical exposure.

6 (c) The agency shall conduct a review every three years,
7 beginning January 1, ~~2008~~–2009, to determine the appropriate
8 levels for assessing the fee pursuant to this chapter.

9 105457. (a) The fee imposed pursuant to this chapter shall be
10 collected by the agency or an entity that the agency contracts with
11 in accordance with Part 22 (commencing with Section 43001) of
12 Division 2 of the Revenue and Taxation Code. The fees shall be
13 deposited in the Healthy Californians Biomonitoring Fund, which
14 is hereby established in the State Treasury. All fees collected
15 pursuant to this chapter shall be deposited in the fund. All interest
16 earned on the moneys that have been deposited into the fund shall
17 be retained in the fund. Moneys in the fund are, notwithstanding
18 Section 13340 of the Government Code, continuously
19 appropriated to the agency for, and shall be expended for, the
20 purposes of this chapter.

21 (b) The fees collected pursuant to this chapter and the earnings
22 therefrom shall be used solely for the purposes of biomonitoring
23 as set forth in this chapter. The agency shall not collect fees
24 pursuant to this chapter in excess of the amount reasonably
25 anticipated by the agency to fully implement this chapter. The
26 agency shall not spend more than it collects from the fees and the
27 earnings in implementing this chapter including repayment of
28 startup loans. In no fiscal year shall the agency collect more than
29 ten million dollars (\$10,000,000) in fees, as adjusted pursuant to
30 Section 105456.

31 (c) The adoption, amendment, or repeal of a regulation for fee
32 assessment and collection, including subsequent amendments or
33 adjustments, authorized by this chapter is hereby exempted from
34 the rulemaking provisions of the Administrative Procedure Act
35 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
36 Division 3 of Title 2 of the Government Code). However, upon
37 adoption, the regulation shall be filed with the Secretary of State
38 and printed in the California Code of Regulations.

39 105458. (a) It is the intent of the Legislature, in subsequent
40 legislation, to appropriate and to deposit into the fund, the *total*



1 sum of one million five hundred thousand dollars (\$1,500,000)
2 from the General Fund to the Controller for allocation as loans, to
3 the department *and the agency*, for the purposes of adopting
4 regulations to establish the fee schedule authorized by this chapter
5 and startup costs related to implementing this chapter. It is the
6 intent of the Legislature that the department fully repay the amount
7 of this loan with interest at the pooled money investment rate, from
8 fees collected pursuant to this chapter within that same fiscal year
9 as appropriated so as to yield a revenue-neutral appropriation.

10 (b) Costs associated with administration of the program, shall
11 not exceed 15 percent of the entire amount deposited into the fund
12 in any fiscal year.

13

14 Article 5. Reporting

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16 105459. (a) The department shall provide the public access
17 to information which they are required to release pursuant to the
18 California Public Records Act (Chapter 3.5 (commencing with
19 Section 6250) of Division 7 of Title 1 of the Government Code)
20 in a manner that is timely and understandable to the average
21 person.

22 (b) The division and office shall disseminate biomonitoring
23 findings to the general public via governmental and other Web
24 sites. All health and environmental exposure data shall be
25 provided to the general public in a summary format to protect the
26 confidentiality of program participants. Within 30 calendar days
27 after the division releases its interim and final report to the
28 Legislature, the reports shall be made available to the public.

29 105460. (a) By January 1, ~~2008~~ 2009, the department shall
30 submit a report to the Legislature summarizing the first activities
31 of the program, including program descriptions, methodology,
32 program outcomes, and assessment of the activities of the various
33 biomonitoring functions conducted pursuant to this chapter.

34 (b) By January 1, ~~2010~~ 2011, in consultation with the panel, the
35 department shall submit a report to the Legislature regarding
36 recommendations on improving the program based on the first
37 activities and findings. The report shall include a summary of the
38 biennial reports prepared pursuant to Section 105443. The
39 department shall annually, in consultation with the panel, forward



- 1 a report to the Legislature on the program, policy, and report
- 2 findings.

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