

AMENDED IN ASSEMBLY MAY 26, 2005
AMENDED IN ASSEMBLY APRIL 20, 2005
AMENDED IN ASSEMBLY MARCH 14, 2005
CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 289

Introduced by Assembly Member Chan
(Coauthors: Assembly Members Koretz, Lieber, and Pavley)
(Coauthor: Senator Kuehl)

February 9, 2005

An act to add Section 57013 to the Health and Safety Code, relating to hazardous chemicals.

LEGISLATIVE COUNSEL'S DIGEST

AB 289, as amended, Chan. Chemicals: high-volume and reportable: testing methods.

Existing law required the California Environmental Protection Agency to initiate a scientific peer review of screening levels for certain contaminants and to complete the process by December 31, 2004. The agency was required to publish, by March 1, 2004, a list of screening numbers determined for specified contaminants, and to conduct public workshops in establishing and revising those levels.

This bill would require each manufacturer of a high production volume chemical or a reportable chemical, as defined, for each high production volume chemical and reportable chemical imported into, or offered for sale in, this state by the manufacturer, to provide the agency *San Diego Supercomputer Center of the University of California* with analytical test methods, including metabolites and degradation products that are biologically relevant, the octanol-water

partition coefficient, and the bioconcentration factor for humans, as defined, for that chemical. Each manufacturer would be required to provide this information ~~by January 1, 2008, or within 2 years after the chemical becomes an eligible chemical, as defined, whichever is later~~ *according to a specified schedule depending upon certain chemical characteristics.*

~~The bill would also require each manufacturer of a high production volume chemical or a reportable chemical, as defined, to maintain records of which of those chemicals are high production volume chemicals produced in the United States and report that information to the California Environmental Protection Agency every 2 years.~~

The bill would apply to the University of California only to the extent the Regents of the University of California act, by resolution, to make it so applicable.

Vote: majority. Appropriation: no. 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) Every year more than 55,000,000 pounds of all chemicals
- 4 are released in the state.
- 5 (b) Over 85,000 chemicals are in commercial use today, and
- 6 many are now known to cause cancer and damage to the brain
- 7 and the nervous and reproductive systems.
- 8 (c) Many of these chemicals do not persist, but instead break
- 9 down in the environment or are metabolized by humans or biota
- 10 into different, more stable compounds, which can be used as
- 11 chemical indicators or biomarkers of exposure to the parent
- 12 compound.
- 13 (d) For a majority of chemicals in use today, the matrix by
- 14 which the chemical is transported into biota and humans is
- 15 unknown and it is impossible to determine the chemical's level in
- 16 humans. Analytical test methods only exist for approximately 30
- 17 percent of all chemicals.
- 18 (e) It costs the federal government and state governments time
- 19 and money to develop analytical test methods for chemicals or
- 20 their chemical biomarkers of exposure. It is conservatively

1 estimated that developing analytical test methods for each
2 chemical costs over one hundred thousand dollars (\$100,000).

3 (f) In the interests of human health, it should be the
4 responsibility of those who manufacture a chemical to produce
5 analytical test methods to determine the matrices by which that
6 chemical is transported into humans and biota, to determine
7 which of the breakdown products or metabolites of the chemical
8 are best suited to be used as chemical biomarkers of exposure,
9 and to disclose these analytical test methods to the state.

10 SEC. 2. Section 57013 is added to the Health and Safety
11 Code, to read:

12 57013. (a) For purposes of this section, the following
13 definitions shall apply:

14 (1) "Analytical test method" means a procedure used to
15 sample, prepare, and analyze a specific matrix to determine the
16 identity and concentration of a specified chemical and its
17 metabolites and degradation product. An analytical test method
18 shall conform to the standards adopted by the National
19 Environmental Laboratory Accreditation Conference.

20 (2) "Bioconcentration factor" means the concentration of a
21 chemical in an organism divided by its concentration in a test
22 solution or environment.

23 (3) "Chemical" has the same meaning as a chemical substance,
24 as defined in Section 2602 of Title 15 of the United States Code.

25 (4) "Eligible chemical" means ~~either of the following:~~

26 ~~(A) A~~ a chemical on the federal high production volume
27 chemical list, as defined in Section 710.23 of Title 40 of the
28 Code of Federal Regulations, as of January 1, 2006.

29 ~~(B) A chemical that is or becomes a high production volume~~
30 ~~chemical pursuant to subdivision (c).~~

31 (5) "High production volume chemical" means a chemical that
32 is manufactured in, or imported into, the United States in an
33 amount equal to, or greater than, 1,000,000 pounds per year.

34 (6) "Manufacturer" means any person who produces a high
35 production volume chemical or a reportable chemical in this state
36 or who imports a high production volume chemical or a
37 reportable chemical into the state, for sale in this state.

38 (7) "Matrix" means water, air, soil, sediment, sludge, chemical
39 waste, fish, blood, adipose tissue, urine, and breast milk.

1 (8) “Octanol-water partition coefficient” means the ratio of the
2 concentration of a chemical in octanol and in water at
3 equilibrium and at a specified temperature.

4 (9) “Reportable chemical” means a chemical that is subject to
5 the reporting requirements of Subpart B (commencing with
6 Section 710.23) of Part 710 of Subchapter R of Chapter 1 of Title
7 40 of the Code of Federal Regulations, adopted pursuant to the
8 Toxic Substances Control Act (15 U.S.C. Sec. 2601 and
9 following).

10 (b) Each manufacturer of a high production volume chemical
11 or a reportable chemical shall provide the ~~agency San Diego~~
12 *Supercomputer Center of the University of California*, for each
13 high production volume chemical and each reportable chemical
14 imported into, or offered for sale, in this state by the
15 manufacturer, ~~by January 1, 2008, or within two years after the~~
16 ~~chemical becomes an eligible chemical, or whichever is later~~
17 *according to the schedule specified in subdivision (c)*, with all of
18 the following:

19 (1) Analytical test methods, including metabolites and
20 degradation products that are biologically relevant, for that
21 chemical.

22 (2) The octanol-water partition coefficient for that chemical.

23 (3) The bioconcentration factor for humans for that chemical.

24 ~~(c) Each manufacturer of a high production volume chemical~~
25 ~~or a reportable chemical shall maintain records of which of those~~
26 ~~chemicals are high production volume chemicals produced~~
27 ~~within the United States and report this information to the agency~~
28 ~~every two years.~~

29 *(c) The information required to be reported in subdivision (b)*
30 *shall be reported by the manufacturer according to the following*
31 *schedule:*

32 *(1) If the chemical has an octanol-water partition coefficient*
33 *of 4 or higher at 25 degrees centigrade, on or before January 1,*
34 *2008.*

35 *(2) If the chemical has an octanol-water partition coefficient*
36 *of less than 4 at 25 degrees centigrade, on or before January 1,*
37 *2010.*

- 1 *(d) This section shall apply to the University of California only*
- 2 *to the extent that the Regents of the University of California act,*
- 3 *by resolution, to make it applicable.*

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