

AMENDED IN ASSEMBLY APRIL 25, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2490**

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**Introduced by Assembly Member Ruskin**

(Principal coauthor: Senator Speier)

**(Coauthors: Assembly Members Chan, Dymally, Koretz, Mullin,  
and Saldana)**

(Coauthors: Senators Kehoe, Kuehl, Ortiz, and Romero)

February 23, 2006

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An act to add Article 4 (commencing with Section 25546) to Chapter 6.95 of Division 20 of the Health and Safety Code, relating to toxic chemicals.

LEGISLATIVE COUNSEL'S DIGEST

AB 2490, as amended, Ruskin. California Toxic Release Inventory Program.

Existing law authorizes the California Environmental Protection Agency (Cal-EPA) to request any business to submit the information required to be submitted in the toxic chemical release form pursuant to the federal Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA). Existing law prohibits the Cal-EPA from requiring the form from certain businesses or in an amount lower than the applicable threshold amount specified in EPCRA.

This bill would enact the California Toxic Release Inventory Program Act of 2006 to require Cal-EPA , on or before July 1, 2007, to establish the California Toxic Release Inventory Program. The bill would require that program to impose the same, ~~or more stringent,~~ requirements as EPCRA within this state, including, but not limited to, any regulations adopted pursuant to EPCRA, as in effect on January 1,

2006. The bill would require the agency to adopt regulations to implement the act by July 1, 2007.

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. Article 4 (commencing with Section 25546) is  
2 added to Chapter 6.95 of Division 20 of the Health and Safety  
3 Code, to read:

4  
5 Article 4. California Toxic Release Inventory Program Act Of  
6 2006

7  
8 25546. The Legislature finds and declares all of the  
9 following:

10 (a) The people of California have the right to know the  
11 hazards posed by toxic releases near their homes, schools, and  
12 workplaces. They have the right to know how much pollution is  
13 being released into the water, air, and soil.

14 (b) Since its inception in 1986, as part of the federal  
15 Emergency Planning and Community Right-to-Know Act,  
16 (EPCRA; Chapter 116 (commencing with Section 11001) of  
17 Title 42 of the United States Code), the Toxic Release Inventory  
18 (TRI) has supplied this essential information on toxic chemical  
19 releases to the public. The goal of the TRI is to empower  
20 citizens, through information, to hold companies and local  
21 governments accountable for how toxic chemicals are managed.

22 (c) In 1990, the demand for more information continued, and  
23 the federal Pollution Prevention Act of 1990 (Chapter 133  
24 (commencing with Section 13101) of Title 42 of the United  
25 States Code) was enacted to require that additional data on waste  
26 management and source reduction activities be reported under  
27 the TRI.

28 (d) The Toxic Release Inventory has expanded its scope over  
29 the years. The database contains detailed information on nearly  
30 650 chemicals and chemical categories that over 23,000  
31 industrial and federal facilities manage through disposal or other  
32 releases, and waste management for recycling, energy recovery,  
33 or treatment. Most recently, the reporting thresholds for certain

1 persistent, bioaccumulative, and toxic chemicals were reduced in  
2 order to be able to provide additional information to the public on  
3 these chemicals.

4 (e) In an October 4, 2005, Federal Register notice, the federal  
5 Environmental Protection Agency proposed to make changes to  
6 the regulations implementing the TRI. The changes would raise  
7 the threshold amount of a toxic chemical that is required to be  
8 reported and would decrease the frequency under which those  
9 reports are required to be submitted. The federal Environmental  
10 Protection Agency is calling this effort “Toxic Release Inventory  
11 Burden Reduction.”

12 (f) The changes proposed in the federal regulations would  
13 undermine the major goals of the TRI program and pose a threat  
14 to public health and safety and the environment. The proposed  
15 changes would also deny the citizens of California the right to  
16 know about toxic threats in their communities and shift the  
17 burden of dealing with dangerous pollutants from the polluter to  
18 the citizens of California.

19 (g) The proposed changes would deny policymakers access to  
20 critical data needed to establish protective, sustainable  
21 environmental policy. Every citizen of California would also be  
22 denied access to data they need to be active participants in their  
23 communities to ensure they have safe, clean places to live, work,  
24 and raise families.

25 (h) The proposed changes would create further environmental  
26 justice challenges by placing an unfair burden for residents in  
27 low-income areas, where chemical plants and other polluters are  
28 often located.

29 (i) The TRI is the premier public health and environmental  
30 communities’ right-to-know program that provides a framework  
31 that should not be threatened and protections to ensure that it is  
32 not jeopardized must be pursued.

33 (j) To ensure that the citizens of California have access to  
34 timely and accurate data about toxic releases, it is necessary to  
35 create a California Toxic Release Inventory Program within the  
36 California Environmental Protection Agency.

37 25546.1. This article shall be known, and may be cited, as the  
38 “California Toxic Release Inventory Program Act of 2006.”

39 25546.2. For purposes of this article, the following definitions  
40 shall apply:

1 (a) "Agency" means the California Environmental Protection  
2 Agency.

3 (b) "Federal act" means the federal Emergency Planning and  
4 Community Right to Know Act of 1986 (EPCRA; Chapter 116  
5 (commencing with Section 11001) of Title 42 of the United  
6 States Code).

7 (c) "Program" means the California Toxic Release Inventory  
8 Program established pursuant to this article.

9 25546.3. On or before July 1, 2007, the agency shall establish  
10 the California Toxic Release Inventory Program. The program  
11 shall impose requirements within this state that are the same as;  
12 ~~or more stringent than~~, the federal act, including, but not limited  
13 to, any regulation adopted pursuant to the federal act that is in  
14 effect on January 1, 2006, and not as the regulation may be  
15 amended or revised after that date.

16 25546.4. On or before July 1, 2007, the agency shall adopt  
17 regulations to implement the program.