

AMENDED IN ASSEMBLY AUGUST 22, 2008  
AMENDED IN ASSEMBLY AUGUST 15, 2008  
AMENDED IN ASSEMBLY JUNE 24, 2008  
AMENDED IN ASSEMBLY JUNE 12, 2008  
AMENDED IN ASSEMBLY JUNE 5, 2008  
AMENDED IN ASSEMBLY MAY 27, 2008  
AMENDED IN SENATE JANUARY 14, 2008  
AMENDED IN SENATE MAY 17, 2007  
AMENDED IN SENATE MAY 3, 2007  
AMENDED IN SENATE APRIL 10, 2007

**SENATE BILL**

**No. 509**

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**Introduced by Senator Simitian**  
*(Principal coauthor: Assembly Member Feuer)*  
*(Coauthor: Senator Calderon)*

February 22, 2007

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~~An act to add Article 6 (commencing with Section 108670) to Chapter 5 of Part 3 of Division 104 of the Health and Safety Code, relating to consumer product safety. An act to add Article 14 (commencing with Section 25251) to Chapter 6.5 of Division 20 of, and to repeal and add Section 25251 of, the Health and Safety Code, relating to hazardous materials.~~

## LEGISLATIVE COUNSEL'S DIGEST

SB 509, as amended, Simitian. ~~Consumer products: disclosure: ingredient information. Hazardous materials: toxic substances.~~

*Existing law establishes the Department of Toxic Substances Control, in the California Environmental Protection Agency, with powers and duties regarding, among other things, hazardous waste disposal, underground storage of hazardous substances and waste, and the handling and release of hazardous materials.*

*The bill would require the department to establish a Toxics Information Clearinghouse for the collection, maintenance, and distribution of specific chemical hazard traits and environmental and toxicological end-point data. The Office of Environmental Health Hazard Assessment would be required, by January 1, 2011, to evaluate and specify the hazard traits and environmental and toxicological end-points and any other relevant data that are to be included in the clearinghouse.*

*This bill provides that this act would become effective only if Assembly Bill 1879 is enacted on or before January 1, 2009.*

~~Existing law regulates the labeling and use of various consumer products, including toys and toxic household products:~~

~~This bill, commencing January 1, 2010, would, except when product ingredient information constitutes a trade secret, as defined, prohibit the manufacture, sale, or distribution of a designated consumer product, as defined, unless the manufacturer discloses each ingredient, as defined, contained in the product by either (1) affixing a label on the product, or providing an information sheet accompanying the product at the time of sale, or (2) posting the information on the manufacturer's Web site. The bill would provide that a manufacturer shall have 45 days to correct an alleged failure to disclose one or more ingredients in a designated consumer product, upon receipt of written notification from a person claiming that the manufacturer failed to disclose that required ingredient information. The bill would permit the person providing that written notice to the manufacturer to bring a civil action against the manufacturer, in the event that a manufacturer fails to correct such an alleged failure to disclose the required product ingredient information within that 45-day period, and would prescribe specified civil penalties that may be recovered in such an action, except in cases where the civil action is filed to contest the designation of a product ingredient as a trade secret. The bill would permit a person, in a civil action contesting~~

the designation of a product ingredient as a trade secret, to bring a civil action against the owner of the alleged trade secret information, and would prescribe specified civil penalties that may be recovered in such an action. The bill would further authorize the Attorney General to bring a civil action in the name of the people of this state against a manufacturer that has violated the above provisions.

The bill would declare that its provisions are severable, and if any provision of the bill is held invalid, that invalidity would not affect other provisions or applications that can be given effect without the invalid provision or application, and would provide that its provisions shall only be implemented to the extent permitted by federal law.

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

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

1     SECTION 1. Article 14 (commencing with Section 25251) is  
2     added to Chapter 6.5 of Division 20 of the Health and Safety Code,  
3     to read:

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5                     Article 14. Green Chemistry

6  
7     25251. For purposes of this article, the following definitions  
8     shall apply:

9     (a) "Clearinghouse" means the Toxics Information  
10    Clearinghouse established pursuant to Section 25256.

11    (b) "Council" means the California Environmental Policy  
12    Council established pursuant to subdivision (b) of Section 71017  
13    of the Public Resources Code.

14    (c) "Office" means Office of Environmental Health Hazard  
15    Assessment.

16    (d) "Panel" means the Green Ribbon Science Panel established  
17    pursuant to Section 25254.

18    (e) "Consumer product" means a product or part of the product  
19    that is used, brought, or leased for use by a person for any  
20    purposes. "Consumer product" does not include any of the  
21    following:

22    (1) A dangerous drug or dangerous device as defined in Section  
23    4022 of the Business of Professions Code.

- 1     (2) *Dental restorative materials as defined in subdivision (b)*
- 2 *of Section 1648.20 of the Business and Professions Code.*
- 3     (3) *A device as defined in Section 4023 of the Business of*
- 4 *Professions Code.*
- 5     (4) *A food as defined in subdivision (a) of Section 109935.*
- 6     (5) *The packaging associated with any of the items specified in*
- 7 *paragraph (1), (2), or (3).*
- 8     (6) *A pesticide as defined in Section 12753 of the Food and*
- 9 *Agricultural Code or the Federal Insecticide, Fungicide and*
- 10 *Rodenticide Act (7 U.S.C. Sec. 136 and following).*
- 11     (7) *Mercury-containing lights defined as mercury-containing*
- 12 *lamps, bulbs, tubes, or other electric devices that provide functional*
- 13 *illumination.*
- 14     (f) *This section shall remain in effect only until December 31,*
- 15 *2011, and as of that date is repealed, unless a later enacted statute,*
- 16 *that is enacted before December 31, 2011, deletes or extends that*
- 17 *date.*
- 18     25251. *For purposes of this article, the following definitions*
- 19 *shall apply:*
- 20     (a) *“Clearinghouse” means the Toxics Information*
- 21 *Clearinghouse established pursuant to Section 25256.*
- 22     (b) *“Council” means the California Environmental Policy*
- 23 *Council established pursuant to subdivision (b) of Section 71017*
- 24 *of the Public Resources Code.*
- 25     (c) *“Office” means Office of Environmental Health Hazard*
- 26 *Assessment.*
- 27     (d) *“Panel” means the Green Ribbon Science Panel established*
- 28 *pursuant to Section 25254.*
- 29     (e) *“Consumer product” means a product or part of the product*
- 30 *that is used, brought, or leased for use by a person for any*
- 31 *purposes. “Consumer product” does not include any of the*
- 32 *following:*
- 33     (1) *A dangerous drug or dangerous device as defined in Section*
- 34 *4022 of the Business of Professions Code.*
- 35     (2) *Dental restorative materials as defined in subdivision (b)*
- 36 *of Section 1648.20 of the Business and Professions Code.*
- 37     (3) *A device as defined in Section 4023 of the Business of*
- 38 *Professions Code.*
- 39     (4) *A food as defined in subdivision (a) of Section 109935.*

1 (5) *The packaging associated with any of the items specified in*  
2 *paragraph (1), (2), or (3).*

3 (6) *A pesticide as defined in Section 12753 of the Food and*  
4 *Agricultural Code or the Federal Insecticide, Fungicide and*  
5 *Rodenticide (7 United States Code Sections 136 and following).*

6 (f) *This section shall become effective on January 1, 2012.*

7 25256. *The department shall establish the Toxics Information*  
8 *Clearinghouse, which shall provide a decentralized, Web-based*  
9 *system for the collection, maintenance, and distribution of specific*  
10 *chemical hazard trait and environmental and toxicological*  
11 *end-point data. The department shall make the clearinghouse*  
12 *accessible to the public through a single Internet Web portal, and,*  
13 *shall, to the maximum extent possible, operate the clearinghouse*  
14 *at the least possible cost to the state.*

15 25256.1. *On or before January 1, 2011, the office shall evaluate*  
16 *and specify the hazard traits and environmental and toxicological*  
17 *end-points and any other relevant data that are to be included in*  
18 *the clearinghouse. The office shall conduct this evaluation in*  
19 *consultation with the department and all appropriate state*  
20 *agencies, after one or more public workshops, and an opportunity*  
21 *for all interested parties to comment. The office may seek*  
22 *information from other states, the federal government, and other*  
23 *nations in implementing this section.*

24 25256.2. (a) *The department shall develop requirements and*  
25 *standards related to the design of the clearinghouse and data*  
26 *quality and test methods that govern the data that is eligible to be*  
27 *available through the clearinghouse.*

28 (b) *The department may phase in the access to eligible*  
29 *information and data in the clearinghouse as that information and*  
30 *data become available.*

31 (c) *The department shall ensure the clearinghouse is capable*  
32 *of displaying updated information as new data becomes available.*

33 25256.3. *The department shall consult with other states, the*  
34 *federal government, and other nations to identify available data*  
35 *related to hazard traits and environmental and toxicological*  
36 *end-points, and to facilitate the development of regional, national,*  
37 *and international data sharing arrangements to be included in the*  
38 *clearinghouse.*

1 25257.1. (a) *This article does not limit and shall not be*  
2 *construed to limit the department's or any other department's or*  
3 *agency's existing authority over hazardous materials.*  
4 (b) *This article does not authorize the department to supersede*  
5 *the regulatory authority of any other department or agency.*  
6 (c) *The department shall not duplicate or adopt conflicting*  
7 *regulations for product categories already regulated or subject to*  
8 *pending regulation consistent with the purposes of this article.*  
9 SEC. 2. *This act shall become effective only if Assembly Bill*  
10 *1879 of the 2007–2008 Regular Session is enacted on or before*  
11 *January 1, 2009.*

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14 **All matter omitted in this version of the bill**  
15 **appears in the bill as amended in Assembly,**  
16 **August 15, 2008 (JR11)**  
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