

Introduced by Senator SimitianFebruary 22, 2007

An act to add Chapter 6.93 (commencing with Section 25430) to Division 20 of the Health and Safety Code, relating to the environment.

LEGISLATIVE COUNSEL'S DIGEST

SB 578, as introduced, Simitian. Environment: high production volume chemical.

Existing law authorizes the California Environmental Protection Agency (Cal-EPA) to request a 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).

This bill would require a manufacturer of a chemical that is manufactured in, or imported into, the United States in an amount equal to, or greater than, 1,000,000 pound per year (high production volume chemical) to provide to the Department of Toxic Substances Control according to a specified schedule, the chemical's physiochemical, toxicological, and ecotoxicological information, identification of industry sectors that purchase more than 5% of these chemicals, and, of those industry sectors, identification of industry sectors whose products are likely to be exposed to human. A high production volume chemical would be prohibited from being manufactured, imported, or used in the state, if the manufacturer fails to provide the required information. The department would be required to make available to the public all the information provided by a manufacturer regarding the high production volume chemical.

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. Chapter 6.93 (commencing with Section 25430)
2 is added to Division 20 of the Health and Safety Code, to read:

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4 CHAPTER 6.93. HIGH PRODUCTION VOLUME CHEMICALS

5

6 25430. For the purposes of this chapter, the following
7 definitions apply:

8 (a) “Chemical” means a chemical substance as defined in
9 Section 3 of the Toxic Substances Control Act (13 U.S.C. Sec.
10 2602).

11 (b) “Department” means the Department of Toxic Substances
12 Control.

13 (c) “Environmental health information” means information that
14 is required under Annex X of the Regulation (EC) 1097/2006
15 adopted by the European Commission on December 18, 2006, and
16 information relating to whether the chemical causes or has the
17 potential to cause endocrine disruption, immunotoxicity, respiratory
18 toxicity, neurotoxicity, developmental toxicity, or childhood
19 cancers.

20 (d) “High production volume chemical” means a chemical that
21 is manufactured in, or imported into, the United States in an amount
22 equal to, or greater than, 1,000,000 pounds per year.

23 (e) “Information submission schedule” means either of the
24 following:

25 (1) A first submission, on or before January 1, 2011, for a
26 chemical in commerce on that date, or within one year from the
27 end of the year in which the chemical is first manufactured.

28 (2) Subsequent submissions of new environmental health
29 information of a chemical within 90 days that the new information
30 becomes available.

31 25431. (a) A manufacturer of a high production volume
32 chemical shall provide to the department all of the following:

33 (1) The environmental health information for a high production
34 volume chemical submitted in accordance with the information
35 submission schedule.

36 (2) Identification of the industry sectors to which the
37 manufacturer sells more than 5 percent of the high production
38 volume chemical.

1 (3) Identification of the industry sectors identified pursuant to
2 subdivision (b) whose products are likely to be exposed to humans.

3 (4) Additional information deemed necessary by the department
4 regarding the actual or potential adverse effects of the high
5 production volume chemical to human health or the environment.

6 (b) A high production volume chemical for which the
7 manufacturer fails to comply with subdivision (a), as determined
8 by the department, shall not be manufactured within, imported
9 into, incorporated into an article within, the state, or used in a
10 commercial process or application in the state.

11 (c) If the department determines that the information received
12 pursuant to subdivision (a) is not sufficient or reliable, the
13 department may require the manufacturer to submit additional
14 information.

15 (d) The department shall make available to the public all
16 information provided to it pursuant to subdivision (a).