

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1431

Introduced by Assembly Member Hill

February 27, 2009

~~An act to amend Section 25252 of the Health and Safety Code, relating to hazardous materials. An act to add Section 44299.86 to the Health and Safety Code, relating to air quality.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1431, as amended, Hill. ~~Hazardous materials: chemicals of concern.~~ *Air quality: Port of Oakland.*

Existing law establishes the California Port Community Air Quality Program in the Bay Area Air Quality Management District and the South Coast Air Quality Management District. The program requires those districts to provide grants to offset the advanced introduction costs of eligible projects that reduce onroad emissions of particulate matter within communities adjacent to marine terminals or ports within the jurisdiction of those districts.

This bill would require the Port of Oakland and entities involved in goods movement at the Port of Oakland to establish emission reduction strategies that are no less stringent than emission reduction strategies employed at the Port of Los Angeles and the Port of Long Beach. The bill requires the Bay Area Air Quality Management District to determine, after consultation with the South Coast Air Quality Management District and the State Air Resources Board, whether the Port of Oakland and those entities have complied. By requiring these local agencies to perform additional new duties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law requires the Department of Toxic Substances Control, by January 1, 2011, to adopt regulations to establish a process to identify and prioritize those chemicals or chemical ingredients in consumer products that may be considered as being a chemical of concern, in accordance with a specified review process. Existing law requires the department to adopt the regulations in consultation with the Office of Environmental Health Hazard Assessment and all appropriate state agencies, and after conducting one or more public workshops as specified.~~

~~This bill would make technical, nonsubstantive changes to those provisions.~~

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

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

- 1 SECTION 1. Section 44299.86 is added to the Health and
- 2 Safety Code, to read:
- 3 44299.86. (a) The Port of Oakland and entities involved in
- 4 goods movement at the Port of Oakland shall establish emission
- 5 reduction strategies that are no less stringent than emission
- 6 reduction strategies employed at the Port of Los Angeles and the
- 7 Port of Long Beach. For purposes of this section, “no less
- 8 stringent” means achieving a comparable quantity of emissions
- 9 reductions.
- 10 (b) The Bay Area Air Quality Management District shall
- 11 determine, after consultation with the South Coast Air Quality
- 12 Management District and the State Air Resources Board, whether
- 13 the Port of Oakland and the entities involved in goods movement
- 14 at the Port of Oakland have complied with subdivision (a).
- 15 SEC. 2. If the Commission on State Mandates determines that
- 16 this act contains costs mandated by the state, reimbursement to

1 *local agencies and school districts for those costs shall be made*
2 *pursuant to Part 7 (commencing with Section 17500) of Division*
3 *4 of Title 2 of the Government Code.*

4 SECTION 1. ~~Section 25252 of the Health and Safety Code is~~
5 ~~amended to read:~~

6 ~~25252. (a) On or before January 1, 2011, the department shall~~
7 ~~adopt regulations to establish a process to identify and prioritize~~
8 ~~those chemicals or chemical ingredients in consumer products that~~
9 ~~may be considered as being a chemical of concern, in accordance~~
10 ~~with the review process in Section 25252.5. The department shall~~
11 ~~adopt these regulations in consultation with the office and all~~
12 ~~appropriate state agencies, and after conducting one or more public~~
13 ~~workshops for which the department provides public notice and~~
14 ~~provides an opportunity for all interested parties to comment. The~~
15 ~~regulations adopted pursuant to this section shall establish an~~
16 ~~identification and prioritization process that includes, but is not~~
17 ~~limited to, all of the following considerations:~~

- 18 ~~(1) The volume of the chemical in commerce in this state.~~
19 ~~(2) The potential for exposure to the chemical in a consumer~~
20 ~~product.~~
21 ~~(3) Potential effects on sensitive subpopulations, including~~
22 ~~infants and children.~~

23 ~~(b) (1) In adopting regulations pursuant to this section, the~~
24 ~~department shall develop criteria by which chemicals and their~~
25 ~~alternatives may be evaluated. These criteria shall include, but not~~
26 ~~be limited to, the traits, characteristics and endpoints that are~~
27 ~~included in the clearinghouse data pursuant to Section 25256.1.~~

28 ~~(2) In adopting regulations pursuant to this section, the~~
29 ~~department shall reference and use, to the maximum extent feasible,~~
30 ~~available information from other nations, governments, and~~
31 ~~authoritative bodies that have undertaken similar chemical~~
32 ~~prioritization processes, so as to leverage the work and costs~~
33 ~~already incurred by those entities and to minimize costs and~~
34 ~~maximize benefits for the state's economy.~~

35 ~~(3) Paragraph (2) does not require the department, when~~
36 ~~adopting regulations pursuant to this section, to reference and use~~
37 ~~only the available information specified in paragraph (2).~~

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