

AMENDED IN ASSEMBLY APRIL 29, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1930

Introduced by Assembly Member De La Torre

February 17, 2010

~~An act to add Chapter 12 (commencing with Section 108940) to Part 3 of Division 104 of the Health and Safety Code, relating to consumer safety. An act to add Article 16 (commencing with Section 25258) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to hazardous waste.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1930, as amended, De La Torre. ~~Consumer safety-Hazardous waste:~~ glass beads.

~~Existing~~

~~(1) Existing law prohibits the manufacture, processing, and distribution in commerce of products containing certain chemicals found to raise health risks, including, but not limited to, polybrominated diphenyl ether, part of the hazardous waste control law, requires the Department of Toxic Substances Control to adopt regulations to establish a process by which chemicals or chemical ingredients in products may be identified and prioritized for consideration as being chemicals of concern and to adopt regulations to establish a process by which chemicals of concern may be evaluated. The department is prohibited from duplicating or adopting conflicting regulations for regulated product categories. A violation of the hazardous waste control law is a crime.~~

This bill would prohibit a person from manufacturing, selling, offering for sale, or offering for promotional purposes in this state, glass beads

that contain more than a specified amount of arsenic~~and~~ or lead, if those glass beads will be used with certain types of blasting equipment. The bill would require each container or bag of glass beads sold for surface preparation to be labeled in a specified manner. *The bill would prohibit these glass beads from being considered as a product category subject to those chemicals of concern regulations.*

Since a violation of these requirements would be a crime, the bill would impose a state-mandated local program.

(2) 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 no reimbursement is required by this act for a specified reason.

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. Article 16 (commencing with Section 25258) is
2 added to Chapter 6.5 of Division 20 of the Health and Safety Code,
3 to read:

4
5 Article 16. Lead and Arsenic Content in Glass Beads

6
7 25258. (a) A person shall not manufacture, sell, offer for sale,
8 or offer for promotional purposes in this state glass beads that
9 contain 75 parts per million (ppm) or more of arsenic or 100 ppm
10 or more of lead by weight, if those glass beads will be used with
11 pressure or suction blasting equipment or wet- or dry-type blasting
12 equipment.

13 (b) The weight percentage of arsenic and lead shall be
14 determined in accordance with EPA Method 3052 modified and
15 EPA Method 6010C or a generally accepted instrumental method
16 with traceable standards, including X-ray fluorescence.

17 (c) Each container or bag of glass beads sold in this state for
18 surface preparation, including the cleaning, peening, finishing,
19 and deburring of aluminum and stainless steel products, and that
20 will be used with pressure or suction blasting equipment or wet-
21 or dry-type blasting equipment, shall be labeled with the following:

1
 2 “Glass bead contents contain less than 75 ppm arsenic and less
 3 than 100 ppm lead, as determined by EPA Method 3052 and EPA
 4 Method 6010C or a generally accepted instrumental method with
 5 traceable standards.”

6
 7 25258.1. This article does not limit, supersede, duplicate, or
 8 otherwise conflict with the authority of the department to fully
 9 implement Article 14 (commencing with Section 25251), including
 10 the authority of the department to include products in a product
 11 registry established pursuant to the regulations adopted in
 12 accordance with that article or any testing or labeling requirements
 13 pursuant to that article. Notwithstanding subdivision (c) of Section
 14 25257.1, glass beads shall not be considered as a product category
 15 already regulated or subject to pending regulation for purposes
 16 of Article 14 (commencing with Section 25251).

17 SEC. 2. No reimbursement is required by this act pursuant to
 18 Section 6 of Article XIII B of the California Constitution because
 19 the only costs that may be incurred by a local agency or school
 20 district will be incurred because this act creates a new crime or
 21 infraction, eliminates a crime or infraction, or changes the penalty
 22 for a crime or infraction, within the meaning of Section 17556 of
 23 the Government Code, or changes the definition of a crime within
 24 the meaning of Section 6 of Article XIII B of the California
 25 Constitution.

26 SECTION 1. ~~Chapter 12 (commencing with Section 108940)~~
 27 ~~is added to Part 3 of Division 104 of the Health and Safety Code,~~
 28 ~~to read:~~

29
 30 ~~CHAPTER 12. LEAD AND ARSENIC CONTENT IN GLASS BEADS~~

31
 32 ~~108940. (a) A person shall not manufacture, sell, offer for~~
 33 ~~sale, or offer for promotional purposes in this state glass beads~~
 34 ~~that contain more than 75 part per million (ppm) arsenic and 100~~
 35 ~~ppm lead by weight, if those glass beads will be used with pressure~~
 36 ~~or suction blasting equipment or wet-type or dry-type blasting~~
 37 ~~equipment.~~

38 ~~(b) For purposes of compliance with subdivision (a), the weight~~
 39 ~~percentage of arsenic and lead shall be determined in accordance~~
 40 ~~with EPA 3052 modified and EPA 6010C or a generally accepted~~

1 ~~instrumental method with traceable standards, including X-ray~~
2 ~~fluorescence.~~

3 ~~(e) Each container or bag of glass beads sold in this state for~~
4 ~~surface preparation, including the cleaning, peening, finishing,~~
5 ~~and deburring of aluminum and stainless steel products, and that~~
6 ~~will be used with pressure or suction blasting equipment or~~
7 ~~wet-type or dry-type blasting equipment, shall be labeled with the~~
8 ~~following:~~

9
10 ~~“Glass bead contents contain less than 75 ppm arsenic and 100~~
11 ~~ppm lead, as determined by EPA 3052 and EPA 6010C or a~~
12 ~~generally accepted instrumental method with traceable standards.”~~

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