

Assembly Bill No. 1930

CHAPTER 368

An act to add and repeal Article 16 (commencing with Section 25258) of Chapter 6.5 of Division 20 of the Health and Safety Code, relating to hazardous waste.

[Approved by Governor September 25, 2010. Filed with
Secretary of State September 27, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1930, De La Torre. Hazardous waste: glass beads.

(1) Existing law, 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 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.

The bill would repeal these prohibitions and requirements on January 1, 2015.

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.

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

SECTION 1. Article 16 (commencing with Section 25258) is added to Chapter 6.5 of Division 20 of the Health and Safety Code, to read:

Article 16. Lead and Arsenic Content in Glass Beads

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

(b) (1) The weight percentage of arsenic and lead shall be determined in accordance with EPA Method 3052, which may be modified, and with EPA Method 6010C, as those methods were in effect on January 1, 2010, or with a generally accepted instrumental method with traceable standards, including X-ray fluorescence.

(2) For purposes of paragraph (1), “modified” means the use of slower heating conditions of the hydrofluoric acid and the possible use of a pressure vessel.

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

“Glass bead contents contain less than 75 ppm arsenic and less than 100 ppm lead pursuant to the California Health and Safety Code Section 25258.”

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

25258.2. This article shall remain in effect only until January 1, 2015, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2015, deletes or extends that date.

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