

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1026**

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**Introduced by Assembly Member Quirk**

February 22, 2013

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An act to amend Section 25249.8 of the Health and Safety Code, relating to toxic chemicals.

LEGISLATIVE COUNSEL'S DIGEST

AB 1026, as amended, Quirk. Toxic chemicals: listing.

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(1) *The existing Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) prohibits any person, in the course of doing business, from knowingly and intentionally exposing any individual to a chemical known to the state to cause cancer or reproductive toxicity without giving a specified warning, or from discharging or releasing such a chemical into any source of drinking water, except as specified. Proposition 65 requires the Governor to publish a list of those chemicals on or before March 1, 1987, that includes, at a minimum, substances identified as hazardous for the purposes of occupational safety and health laws and to revise the list annually.*

~~This bill would make technical, nonsubstantive changes to the above provision.~~ *specify that the substances included in the list that are identified as hazardous for purposes of the occupational safety and health laws may only be included if there is sufficient evidence that the referenced substance is known to cause cancer or reproductive toxicity.*

(2) *Proposition 65 provides that it may be amended by a statute, passed in each house by a  $\frac{2}{3}$  vote, to further its purposes.*

*This bill would find and declare that it furthers the purposes of Proposition 65.*

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: ~~no~~<sup>yes</sup>. State-mandated local program: no.

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

1 SECTION 1. Section 25249.8 of the Health and Safety Code  
2 is amended to read:

3 25249.8. (a) On or before March 1, 1987, the Governor shall  
4 cause to be published a list of those chemicals known to the state  
5 to cause cancer or reproductive toxicity within the meaning of this  
6 chapter, and the Governor shall cause the list to be revised and  
7 republished in light of additional knowledge at least once per year  
8 thereafter. The list shall include at a minimum those substances  
9 identified by reference in paragraph (1) of subdivision (b) of  
10 Section 6382 of the Labor Code and those substances identified  
11 additionally by reference in subdivision (d) of Section 6382 of the  
12 Labor Code *only if there is sufficient evidence that the referenced*  
13 *substance is known to cause cancer or reproductive toxicity.*

14 (b) A chemical is known to the state to cause cancer or  
15 reproductive toxicity within the meaning of this chapter if in the  
16 opinion of the state’s qualified experts it has been clearly shown  
17 through scientifically valid testing according to generally accepted  
18 principles to cause cancer or reproductive toxicity, or if a body  
19 considered to be authoritative by those experts has formally  
20 identified it as causing cancer or reproductive toxicity, or if an  
21 agency of the state or federal government has formally required it  
22 to be labeled or identified as causing cancer or reproductive  
23 toxicity.

24 (c) On or before January 1, 1989, and at least once per year  
25 thereafter, the Governor shall cause to be published a separate list  
26 of those chemicals that at the time of publication are required by  
27 state or federal law to have been tested for potential to cause cancer  
28 or reproductive toxicity but that the state’s qualified experts have  
29 not found to have been adequately tested as required.

30 (d) The Governor shall identify and consult with the state’s  
31 qualified experts as necessary to carry out the Governor’s duties  
32 under this section.

1 (e) In carrying out the duties of the Governor under this section,  
2 the Governor and the Governor's designates shall not be considered  
3 to be adopting or amending a regulation within the meaning of the  
4 Administrative Procedure Act, as defined in Section 11370 of the  
5 Government Code.

6 *SEC. 2. The Legislature finds and declares that this act furthers*  
7 *the purposes of the Safe Drinking Water and Toxic Enforcement*  
8 *Act of 1986 (Chapter 6.6 (commencing with Section 25249.5) of*  
9 *Division 20 of the Health and Safety Code).*

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