

**Introduced by Senator Pavley**February 26, 2009

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An act to amend Sections 25251 and 25252.5 of the Health and Safety Code, relating to public health.

## LEGISLATIVE COUNSEL'S DIGEST

SB 443, as introduced, Pavley. Public health: hazardous materials.

Existing law establishes the Department of Toxic Substances Control, in the California Environmental Protection Agency, with powers and duties regarding, among other things, hazardous waste disposal, underground storage of hazardous substances and waste, and the handling and release of hazardous materials.

Existing law requires the department by January 1, 2011, to adopt regulations to establish a process by which chemicals or chemical ingredients in consumer products, as defined, may be identified and prioritized for consideration as being chemicals of concern. Existing law also specifies a procedure for the adoption of those regulations, including requiring that the department, in adopting those regulations, prepare a multimedia life cycle evaluation that addresses the impacts associated with, among other things, worker safety and impacts to public health. It also requires the department to adopt, by January 1, 2011, regulations to establish a process by which chemicals of concern in consumer products, and their potential alternatives, are evaluated to determine how best to limit exposure or to reduce the level of hazard posed by a chemical of concern.

This bill would specify that consumer products for these purposes include cleaning products used in food facilities and that worker safety for these purposes includes food facility worker safety.

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. The first Section 25251 of the Health and Safety  
2 Code, as added by Section 1 of Chapter 560 of the Statutes of  
3 2008, is amended to read:

4 25251. For purposes of this article, the following definitions  
5 shall apply:

6 (a) “Clearinghouse” means the Toxics Information  
7 Clearinghouse established pursuant to Section 25256.

8 (b) “Council” means the California Environmental Policy  
9 Council established pursuant to subdivision (b) of Section 71017  
10 of the Public Resources Code.

11 (c) “Office” means Office of Environmental Health Hazard  
12 Assessment.

13 (d) “Panel” means the Green Ribbon Science Panel established  
14 pursuant to Section 25254.

15 (e) “Consumer product” means a product or part of the product  
16 that is used, brought, or leased for use by a person for any purposes,  
17 *including cleaning products used in food facilities*. “Consumer  
18 product” does not include any of the following:

19 (1) A dangerous drug or dangerous device as defined in Section  
20 4022 of the Business of Professions Code.

21 (2) Dental restorative materials as defined in subdivision (b) of  
22 Section 1648.20 of the Business and Professions Code.

23 (3) A device as defined in Section 4023 of the Business of  
24 Professions Code.

25 (4) A food as defined in subdivision (a) of Section 109935.

26 (5) The packaging associated with any of the items specified in  
27 paragraph (1), (2), or (3).

28 (6) A pesticide as defined in Section 12753 of the Food and  
29 Agricultural Code or the Federal Insecticide, Fungicide and  
30 Rodenticide Act (7 U.S.C. Sec. 136 and following).

31 (7) Mercury-containing lights defined as mercury-containing  
32 lamps, bulbs, tubes, or other electric devices that provide functional  
33 illumination.

34 (f) This section shall remain in effect only until December 31,  
35 2011, and as of that date is repealed, unless a later enacted statute,

1 that is enacted before December 31, 2011, deletes or extends that  
2 date.

3 SEC. 2. The second Section 25251 of the Health and Safety  
4 Code, as added by Section 1 of Chapter 560 of the Statutes of  
5 2008, is amended to read:

6 25251. For purposes of this article, the following definitions  
7 shall apply:

8 (a) “Clearinghouse” means the Toxics Information  
9 Clearinghouse established pursuant to Section 25256.

10 (b) “Council” means the California Environmental Policy  
11 Council established pursuant to subdivision (b) of Section 71017  
12 of the Public Resources Code.

13 (c) “Office” means Office of Environmental Health Hazard  
14 Assessment.

15 (d) “Panel” means the Green Ribbon Science Panel established  
16 pursuant to Section 25254.

17 (e) “Consumer product” means a product or part of the product  
18 that is used, brought, or leased for use by a person for any purposes,  
19 *including cleaning products used in food facilities*. “Consumer  
20 product” does not include any of the following:

21 (1) A dangerous drug or dangerous device as defined in Section  
22 4022 of the Business of Professions Code.

23 (2) Dental restorative materials as defined in subdivision (b) of  
24 Section 1648.20 of the Business and Professions Code.

25 (3) A device as defined in Section 4023 of the Business of  
26 Professions Code.

27 (4) A food as defined in subdivision (a) of Section 109935.

28 (5) The packaging associated with any of the items specified in  
29 paragraph (1), (2), or (3).

30 (6) A pesticide as defined in Section 12753 of the Food and  
31 Agricultural Code or the Federal Insecticide, Fungicide and  
32 Rodenticide (7 United States Code Sections 136 and following).

33 (f) This section shall become effective on January 1, 2012.

34 SEC. 3. Section 25252.5 of the Health and Safety Code is  
35 amended to read:

36 25252.5. (a) Except as provided in subdivision (f), the  
37 department, in adopting the regulations pursuant to Sections 25252  
38 and 25253, shall prepare a multimedia life cycle evaluation  
39 conducted by affected agencies and coordinated by the department,

1 and shall submit the regulations and the multimedia life cycle  
2 evaluation to the council for review.

3 (b) The multimedia evaluation shall be based on the best  
4 available scientific data, written comments submitted by interested  
5 persons, and information collected by the department in preparation  
6 for adopting the regulations, and shall address, but is not limited  
7 to, the impacts associated with all the following:

8 (1) Emissions of air pollutants, including ozone forming  
9 compounds, particulate matter, toxic air contaminants, and  
10 greenhouse gases.

11 (2) Contamination of surface water, groundwater, and soil.

12 (3) Disposal or use of the byproducts and waste materials.

13 (4) Worker safety, *including food facility worker safety*, and  
14 impacts to public health.

15 (5) Other anticipated impacts to the environment.

16 (c) The council shall complete its review of the multimedia  
17 evaluation within 90 calendar days following notice from the  
18 department that it intends to adopt regulations. If the council  
19 determines that the proposed regulations will cause a significant  
20 adverse impact on the public health or the environment, or that  
21 alternatives exist that would be less adverse, the council shall  
22 recommend alternative measures that the department or other state  
23 agencies may take to reduce the adverse impact on public health  
24 or the environment. The council shall make all information relating  
25 to its review available to the public.

26 (d) Within 60 days of receiving notification from the council  
27 of a determination of significant adverse impact, the department  
28 shall adopt revisions to the proposed regulation to avoid or reduce  
29 the adverse impact, or the affected agencies shall take appropriate  
30 action that will, to the extent feasible, mitigate the adverse impact  
31 so that, on balance, there is no significant adverse impact on public  
32 health or the environment.

33 (e) In coordinating a multimedia evaluation pursuant to  
34 subdivision (a), the department shall consult with other boards and  
35 departments within the California Environmental Protection  
36 Agency, the State Department of Public Health, the State and  
37 Consumer Services Agency, the Department of Homeland Security,  
38 the Department of Industrial Relations, and other state agencies  
39 with responsibility for, or expertise regarding, impacts that could

1 result from the production, use, or disposal of consumer products  
2 and the ingredients they may contain.

3 (f) Notwithstanding subdivision (a), the department may adopt  
4 regulations pursuant to Sections 25252 and 25253 without  
5 subjecting the proposed regulation to a multimedia evaluation if  
6 the council, following an initial evaluation of the proposed  
7 regulation, conclusively determines that the regulation will not  
8 have any significant adverse impact on public health or the  
9 environment.

10 (g) For the purposes of this section, “multimedia life cycle  
11 evaluation” means the identification and evaluation of a significant  
12 adverse impact on public health or the environment, including air,  
13 water, or soil, that may result from the production, use, or disposal  
14 of a consumer product or consumer product ingredient.