
GOVERNOR'S REORGANIZATION
PLAN NO. 1 OF 1991

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Received by Assembly May 17, 1991; received by Senate May 17, 1991.

Takes effect on July 17, 1991; by operation of Government Code Section 12080.5.

May 17, 1991

STATUTORY PROVISIONS

An act to amend Sections 8510, 8525, and 10084.1 of the Business and Professions Code, to amend Sections 32064, 32065, and 32066 of the Education Code, to amend Sections 217.6 and 7715 of the Fish and Game Code, to amend Sections 32, 35, 103, 281, 405, 409, 482, 2125, 2182, 2206, 2280, 2281, 2282, 5029, 11513, 11514, 11893, 12021, 12042, 12103, 12104, 12112, 12201, 12252, 12754.5, 12784, 12798, 12798.4, 12798.6, 12846, 12980, 12981, 12982, 12998, 12999.4, 13060, 13061, 13126, 13129, 13143, 13144, 13148, 13150, 14022, 14023, 14027, 14152, 15201, 29102, 55861.7, 56571.7, 78562, 78563, and 78579 of, to amend the heading of Chapter 1 (commencing with Section 11401) of Division 6 of, to add Sections 2125.1, 2182.1, 11401.1, 11401.2, 12752.2, and 12752.5 to, to add an article heading immediately preceding Section 11401 of, and to add Article 2 (commencing with Section 11451) and Article 3 (commencing with Section 11471) to Chapter 1 of Division 6 of, the Food and Agricultural Code, to amend Sections 1322, 6103.10, 6253, 8574.9, 8574.21, 11270, 11501, 11501.5, 11550, 11552, 12800, 12805, 12855, 15378, 15397, 20017.86, 20017.95, 26509, 65962.5, 65963.1, 66799, and 66799.3 of, and to add Sections 12812 and 12812.1 to, the Government Code, to amend Sections 452, 471, 472, 504, 2950, 2950.1, 2952, 2952.1, 4023, 11642, 25111, 25112, 25149, 25150, 25167.3, 25168.1, 25169.1, 25197.2, 25199.10, 25201.2, 25281, 25312, 25313, 25334.7, 25351.6, 25354.5, 25356.2, 25356.10, 25385.1, 25385.4, 25411, 25416, 25420, 25501, 25503.2, 25570.2, 25886.5, 26205, 26505.5, 26506.6, 26509, 33459, 39510, 39511,

39606, 39660, 39661, 39668, 39670, 41982, 41983, 42315, 43837, 44343, 44360, 44361, and 44362 of, and to add Division 38 (commencing with Section 58000) and Division 39 (commencing with Section 59000) to, the Health and Safety Code, to amend Sections 50.8, 1684, 6382, 6399.1, and 9009 of the Labor Code, to amend Sections 830.3, 2807, and 12458 of the Penal Code, to amend Section 10405 of the Public Contract Code, to amend Sections 3460, 3470, 3472, 6217, 21151.1, 25912, 30420, 35030, 35031, 35032, 35040, 35040.5, 35041, 35061, 35080, 36300, 36301, 40055, 40400, 42820, 42830, 43210, 43211, 43308, 44103, 45301, 45302, 46101, 46102, and 48502 of the Public Resources Code, to amend Sections 43002.3, 43010, and 43011 of the Revenue and Taxation Code, to amend Sections 2502, 31303, 31307, and 34501.10 of the Vehicle Code, and to amend Sections 175, 13100, 13260, 13271, 13273, 13392, 13392.5, 13393.5, 13395.5, and 13801 of the Water Code, relating to environmental protection.

LEGISLATIVE COUNSEL'S DIGEST

Governor's Reorganization Plan No. 1 of 1991
State government reorganization: environmental
protection.

Existing law provides for the Resources Agency, which consists of, among others, the State Air Resources Board, the California Integrated Waste Management Board, the State Water Resources Control Board, and the California regional water quality control boards. Existing law imposes various administrative and enforcement responsibilities on the State Department of Health Services, relating to hazardous waste, hazardous substances, hazardous materials, and radioactive wastes. Existing law imposes the regulation of economic poisons on the Department of Food and Agriculture. Existing law requires the Chairperson of the State Air Resources Board to serve as the Governor's principal advisor on major policy and program matters on environmental protection, and imposes specified duties on the chairperson with regard to water and solid waste.

This bill would create the California Environmental Protection Agency and would transfer the State Air Resources

Board, the California Integrated Waste Management Board, the State Water Resources Control Board, and the California regional water quality control boards to the agency.

The bill would create the Department of Toxic Substances Control in the agency and would transfer to that department the toxic substances control program from the State Department of Health Services. The bill would also create the Department of Pesticide Regulation in the agency and would transfer to that department the pesticide regulatory program from the Department of Food and Agriculture. The bill would create the Office of Environmental Health Hazard Assessment in the agency and would transfer to the office specified environmental health hazard assessment functions from the State Department of Health Services.

The bill would delete the above provisions regarding the duties of the chairperson of the state board.

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. Section 8510 of the Business and
2 Professions Code is amended to read:

3 8510. For purposes of this chapter, “wood
4 preservative” means any coating formulated to protect
5 wood surfaces from deterioration caused by insects,
6 fungus, rot, and decay and which contains a wood
7 preservative chemical that is registered with the
8 ~~California~~ Department of ~~Food and Agriculture~~
9 *Pesticide Regulation* and the ~~United States~~
10 Environmental Protection Agency.

11 SEC. 1.5. Section 8525 of the Business and Professions
12 Code is amended to read:

13 8525. The board, subject to the approval of the
14 director, may, in accordance with Chapter 3.5
15 (commencing with Section 11340) of Part 1 of Division 3
16 of Title 2 of the Government Code, adopt, amend, repeal,
17 and enforce reasonably necessary rules and regulations
18 relating to the practice of pest control and its various
19 branches as established by Section 8560 and the

1 administration of this chapter.

2 The board shall also consult with the Director of ~~Food~~
3 ~~and Agriculture Pesticide Regulation~~ when developing
4 or adopting regulations that may affect the Department
5 of ~~Food and Agriculture Pesticide Regulation~~ or the
6 county agricultural commissioner's responsibilities
7 pursuant to Division 7 (commencing with Section 12501)
8 of the Food and Agricultural Code.

9 SEC. 2. Section 10084.1 of the Business and
10 Professions Code is amended to read:

11 10084.1. (a) Notwithstanding Section 10450.6, on or
12 before January 1, 1991, the department, using funds
13 appropriated from the Education and Research Account
14 in the Real Estate Fund, shall develop a booklet to
15 educate and inform consumers on all of the following:

16 (1) Common environmental hazards that are located
17 on, and affect, real property. The types of common
18 environmental hazards shall include, but not be limited
19 to, asbestos, radon gas, lead-based paint, formaldehyde,
20 fuel and chemical storage tanks, and water and soil
21 contamination.

22 (2) The significance of common environmental
23 hazards and what can be done to mitigate these hazards.

24 (3) What sources can provide more information on
25 common environmental hazards for the consumer.

26 (b) The department shall seek the advice of the ~~State~~
27 ~~Department of Health Services Office of Environmental~~
28 ~~Health Hazard Assessment~~ to assist it in determining the
29 contents of the booklet prepared pursuant to this section,
30 and shall seek the assistance of the ~~State Department of~~
31 ~~Health Services Office of Environmental Health Hazard~~
32 ~~Assessment~~ in the writing of the booklet.

33 SEC. 3. Section 32064 of the Education Code is
34 amended to read:

35 32064. (a) For the 1987-88 academic year and for
36 each academic year thereafter, no art or craft material
37 which is deemed by the ~~State Department of Health~~
38 ~~Services Office of Environmental Health Hazard~~
39 ~~Assessment~~ to contain a toxic substance, as defined by the
40 California Hazardous Substance Act, Chapter 13

1 (commencing with Section 28740) of Division 22 of the
2 Health and Safety Code, or a toxic substance causing
3 chronic illness, as defined in this article, shall be ordered
4 or purchased by any school, school district, or governing
5 authority of a private school in California for use by
6 students in kindergarten and grades 1 to 6, inclusive.

7 (b) Commencing June 1, 1987, any substance which is
8 defined in subdivision (a) as a toxic substance causing
9 chronic illness shall not be purchased or ordered by a
10 school, school district, or governing authority of a private
11 school for use by students in grades 7 to 12, inclusive,
12 unless it meets the labeling standards specified in Section
13 32065.

14 (c) If the ~~State Department of Health Services~~ office
15 finds that, because the chronically toxic, carcinogenic, or
16 radioactive substances contained in an art or craft
17 product cannot be ingested, inhaled, or otherwise
18 absorbed into the body during any reasonably
19 foreseeable use of the product in a way that could pose
20 a potential health risk, the ~~department~~ office may
21 exempt the product from these requirements to the
22 extent it determines to be consistent with adequate
23 protection of the public health and safety.

24 (d) For the purposes of this article, an art or craft
25 material shall be presumed to contain an ingredient
26 which is a toxic substance causing chronic illness if the
27 ingredient, whether an intentional ingredient or an
28 impurity, is 1 percent or more by weight of the mixture
29 or product, or if the ~~State Department of Health Services~~
30 office determines that the toxic or carcinogenic
31 properties of the art or craft material are such that
32 labeling is necessary for the adequate protection of the
33 public health and safety.

34 SEC. 4. Section 32065 of the Education Code is
35 amended to read:

36 32065. Warning labels for substances specified in
37 Section 32064 shall meet all of the following standards:

38 (a) The warning label shall be affixed in a conspicuous
39 place and shall contain the signal word "WARNING," to
40 alert users of potential adverse health effects.

- 1 (b). The warning label shall contain information on the
2 health-related dangers of the art or craft material.
- 3 (1) If the product contains a human carcinogen, the
4 warning shall contain the statement: "CANCER
5 HAZARD! Overexposure may create cancer risk."
- 6 (2) If the product contains a potential human
7 carcinogen, and does not contain a human carcinogen,
8 the warning shall contain the statement: "POSSIBLE
9 CANCER HAZARD! Overexposure might create cancer
10 risk."
- 11 (3) If the product contains a toxic substance causing
12 chronic illness, the warning shall contain, but not be
13 limited to, the following statement or statements where
14 applicable:
- 15 (A) May cause sterility or damage to reproductive
16 organs.
- 17 (B) May cause birth defects or harm to developing
18 fetus.
- 19 (C) May be excreted in human milk causing harm to
20 nursing infant.
- 21 (D) May cause central nervous system depression or
22 injury.
- 23 (E) May cause numbness or weakness in the
24 extremities.
- 25 (F) Overexposure may cause damage to (specify
26 organ).
- 27 (G) Heating above (specify degrees) may cause
28 hazardous decomposition products.
- 29 (4) If a product contains more than one chronically
30 toxic substance, or if a single substance can cause more
31 than one chronic health effect, the required statements
32 may be combined into one warning statement.
- 33 (c) The warning label shall contain a list of ingredients
34 which are toxic substances causing chronic illness.
- 35 (d) The warning label shall contain a statement or
36 statements of safe use and storage instructions,
37 conforming to the following list. The label shall contain,
38 but not be limited to, as many of the following risk
39 statements as are applicable:
- 40 (1) Keep out of reach of children.

- 1 (2) When using, do not eat, drink, or smoke.
2 (3) Wash hands after use and before eating, drinking,
3 or smoking.
4 (4) Keep container tightly closed.
5 (5) Store in well ventilated area.
6 (6) Avoid contact with skin.
7 (7) Wear protective clothing (specify type).
8 (8) Wear NIOSH certified masks for dust, mists, or
9 fumes.
10 (9) Wear NIOSH certified respirator with appropriate
11 cartridge for (specify type).
12 (10) Wear NIOSH certified supplied air respirator.
13 (11) Use window exhaust fan to remove vapors and
14 assure adequate ventilation (specify explosion proof if
15 necessary).
16 (12) Use local exhaust hood (specify type).
17 (13) Do not heat above (specify degrees) without
18 adequate ventilation.
19 (14) Do not use/mix with (specify material).
20 (e) The warning label shall contain a statement on
21 where to obtain more information, such as, "Call your
22 local poison control center for more health information."
23 (f) The warning label, or any other label on the
24 substance, shall contain the name and address of the
25 manufacturer or repackager.
26 (g) If all of the above information cannot fit on the
27 package label, a package insert shall be required to
28 convey all the necessary information to the consumer. In
29 this event, the label shall contain a statement to refer to
30 the package insert, such as "CAUTION: See package
31 insert before use." For ~~purposes~~ *purposes* of this section,
32 "package insert" means a display of written, printed, or
33 graphic matter upon a leaflet or suitable material
34 accompanying the art supply. The language on this insert
35 shall be nontechnical and nonpromotional in tone and
36 content.
37 The requirements set forth in subdivisions (a) to (g),
38 inclusive, shall not be considered to be complied with
39 unless the required words, statements, or other
40 information appear on the outside container or wrapper,

1 or on a package insert which is easily legible through the
2 outside container or wrapper and is painted in a color in
3 contrast with the product or the package containing the
4 product.

5 An art or craft material shall be considered to be in
6 compliance with this section if Article 4 (commencing
7 with Section 28794) of Chapter 13 of Division 22 of the
8 Health and Safety Code requires labeling of the art or
9 craft material, and if the material is in compliance with
10 that article.

11 The manufacturer of any art or craft material sold,
12 distributed, offered for sale, or exposed for sale in this
13 state shall supply upon request to the ~~Department of~~
14 ~~Health Services~~ *Office of Environmental Health Hazard*
15 *Assessment* any information required by the ~~department~~
16 *office* in order to perform its duties under this article.

17 SEC. 5. Section 32066 of the Education Code is
18 amended to read:

19 32066. The ~~State Department of Health Services~~
20 *Office of Environmental Health Hazard Assessment*
21 shall, by June 1, 1987, develop a list of those art or craft
22 materials which cannot be purchased or ordered for use
23 in kindergarten and in grades 1 to 6, inclusive, and a list
24 of materials which, while not currently sold or
25 manufactured, may be reasonably suspected to still exist
26 at some schools. In developing the lists, the ~~State~~
27 ~~Department of Health Services~~ *office* shall consult with
28 manufacturers of art supplies, artists' groups, health
29 organizations, and toxicologists as the ~~State Department~~
30 ~~of Health Services~~ *deems office determines to be*
31 appropriate. The ~~Department of Health Services~~ *office*
32 shall periodically update the lists as it ~~deems~~ *determines*
33 *to be* appropriate.

34 The Superintendent of Public Instruction shall
35 distribute the lists to all school districts and the governing
36 authorities of all private schools in California, and shall
37 make the lists available to preschools, childcare centers,
38 and other businesses and organizations which involve
39 children in the use of art or craft materials.

40 The superintendent shall inform school districts and

1 governing authorities of all private schools of the
2 requirements of this article, and shall encourage school
3 districts and the governing authorities of all private
4 schools to dispose of art or craft material which may
5 contain human carcinogens, potential human
6 carcinogens, or chronically toxic substances, but which is
7 not affected by this article.

8 SEC. 6. Section 217.6 of the Fish and Game Code is
9 amended to read:

10 217.6. Commencing with the booklet of sportfishing
11 regulations published in 1987, the booklet shall also
12 contain any human health advisories relating to fish
13 which are formally issued by the ~~State Department of~~
14 ~~Health Services~~ *Office of Environmental Health Hazard*
15 *Assessment* or summaries of those human health
16 advisories. The summaries shall be prepared in
17 consultation with the ~~State Department of Health~~
18 ~~Services~~ *office*.

19 SEC. 7. Section 7715 of the Fish and Game Code is
20 amended to read:

21 7715. (a) If the ~~State~~ Director of ~~Health Services~~
22 *Environmental Health Hazard Assessment* determines,
23 based on thorough and adequate scientific evidence, that
24 any species or subspecies of fish is likely to pose a human
25 health risk from high levels of toxic substances, the
26 Director of Fish and Game may order the closure of any
27 waters or otherwise restrict the taking under a
28 commercial fishing license in state waters of that species.
29 Any such closure or restriction order shall be adopted by
30 emergency regulation in accordance with Chapter 3.5
31 (commencing with Section 11341) of Division 3 of Title
32 2 of the Government Code.

33 (b) Any closure or restriction pursuant to subdivision
34 (a) shall become inoperative when the ~~State~~ Director of
35 ~~Health Services~~ *Environmental Health Hazard*
36 *Assessment* determines that a health risk no longer exists.
37 Upon making such a determination, the ~~State~~ Director
38 of ~~Health Services~~ *Environmental Health Hazard*
39 *Assessment* shall notify the Director of Fish and Game
40 and shall request that those waters be reopened for

1 commercial fishing.

2 SEC. 8. Section 32 of the Food and Agricultural Code
3 is amended to read:

4 32. "Department" means the Department of Food
5 and Agriculture *unless otherwise provided or the context*
6 *otherwise requires.*

7 SEC. 9. Section 35 of the Food and Agricultural Code
8 is amended to read:

9 35. "Director" means the Director of Food and
10 Agriculture *unless otherwise provided or the context*
11 *otherwise requires.*

12 SEC. 10. Section 103 of the Food and Agricultural
13 Code is amended to read:

14 103. Except as is otherwise provided in this chapter,
15 the provisions of Chapter 2 (commencing with Section
16 11150); of Part 1; of Division 3; of Title 2 of the
17 Government Code govern and apply to the conduct of
18 the department in every respect ~~the same~~ as if ~~such~~
19 ~~those~~ provisions were ~~herein~~ set forth at length in this
20 code, and whenever in that chapter the term "head of the
21 department" or similar designation occurs, for the
22 purpose of this code it means the ~~director~~ *Director of*
23 *Food and Agriculture or the Director of Pesticide*
24 *Regulation.*

25 SEC. 11. Section 281 of the Food and Agricultural
26 Code is amended to read:

27 281. The director may direct suit in the name of the
28 people of the state, as plaintiff, to be brought for the
29 recovery of any license or other fee against any person
30 required to take out a license or pay any fee pursuant to
31 *the provisions of this code which the director is required*
32 *or authorized to administer or enforce* that fails, neglects,
33 or refuses to take out such license or pay such fee, or that,
34 without such license or payment of such fee, carries on or
35 attempts to carry on the business or do any act for which
36 such license or payment of such fee is required.
37 Notwithstanding Section 483.010 of the Code of Civil
38 Procedure, in such case a writ of attachment may be
39 issued in the manner provided by Title 6.5 (commencing
40 with Section 481.010) of Part 2 of the Code of Civil

1 Procedure.

2 SEC. 12. Section 405 of the Food and Agricultural
3 Code is amended to read:

4 405. (a) With the prior approval of the Department
5 of Fish and Game and the ~~State Department of Health~~
6 ~~Services Office of Environmental Health Hazard~~
7 ~~Assessment~~, the ~~department~~ Department of Food and
8 Agriculture and the Department of Pesticide Regulation
9 may reproduce or distribute biological control organisms
10 that are not detrimental to the public health and safety
11 which are known to be useful in reducing or preventing
12 plant or animal damage due to pests or diseases.

13 (b) The ~~department~~ Department of Food and
14 Agriculture and the Department of Pesticide Regulation
15 shall not engage in the production of beneficial organisms
16 when ~~such~~ those organisms are available for purchase
17 from commercial sources.

18 SEC. 13. Section 409 of the Food and Agricultural
19 Code is amended to read:

20 409. Notwithstanding any other provision of law, the
21 department, by rule or regulation, may provide for the
22 issuance and renewal on a two-year basis of licenses,
23 certificates of registration, or other indicia of authority
24 issued ~~pursuant to this code~~ by the department, or any
25 agency in the department, *pursuant to the provisions of*
26 *this code which the director is required or authorized to*
27 *administer or enforce.*

28 The department may, by rule or regulation, set the fee
29 for such two-year license, certificate of registration, or
30 other indicia, not to exceed twice the annual fee for
31 issuance or renewal set by statute.

32 SEC. 14. Section 482 of the Food and Agricultural
33 Code is amended to read:

34 482. (a) The ~~director~~ Director of Food and
35 Agriculture may enter into cooperative agreements with
36 individuals, associations, boards of supervisors, and with
37 departments, divisions, bureaus, boards, or commissions
38 of this state or of the United States for the purpose of
39 eradicating, controlling, or destroying any infectious
40 disease or pest within this state.

1 (b) The ~~director~~ *Director of Food and Agriculture*
2 *and the Director of Pesticide Regulation* may enter into
3 cooperative agreements with boards of supervisors or
4 commissioners for the purpose of administering and
5 enforcing this code.

6 (c) The ~~director~~ *Director of Food and Agriculture*
7 *and the Director of Pesticide Regulation* may enter into
8 cooperative agreements with boards of supervisors and
9 commissioners for the purpose of administering and
10 enforcing any activity, duty, or responsibility under this
11 code in addition to those activities, duties, or
12 responsibilities specifically designated or authorized to
13 be carried out by the commissioners. The cooperative
14 agreement shall provide for payment to the county or
15 commissioner for the county's or the commissioner's
16 performance under the agreement except where
17 payment is provided for elsewhere in this code. Where
18 this code requires the ~~director~~ *Director of Food and*
19 *Agriculture or the Director of Pesticide Regulation* to
20 perform an activity, duty, or responsibility, an agreement
21 entered into under this subdivision does not relieve ~~the~~
22 *that* director of ultimate responsibility for that
23 performance.

24 SEC. 15. Section 2125 of the Food and Agricultural
25 Code is amended to read:

26 2125. ~~In~~ *Except as provided in Section 2125.1*, in any
27 county in which no commissioner has served, the director
28 shall perform the duties of commissioner in the same
29 manner, to the same extent, and with the same authority
30 as if ~~he~~ *the director* had been the duly appointed
31 commissioner in ~~such~~ *the* county.

32 SEC. 16. Section 2125.1 is added to the Food and
33 Agricultural Code, to read:

34 2125.1. In any county where no commissioner has
35 served, the Director of Pesticide Regulation shall
36 perform the pesticide regulatory duties of the
37 commissioner in the same manner, to the same extent,
38 and with the same authority as if the Director of Pesticide
39 Regulation had been duly appointed commissioner in the
40 county.

1 SEC. 17. Section 2182 of the Food and Agricultural
2 Code is amended to read:

3 2182. ~~The~~ *Except as provided in Section 2182.1, the*
4 county agricultural commissioner's trial board shall be
5 composed of the director, a person who has knowledge of,
6 or experience in, agriculture, selected by the board of
7 supervisors of the county of the charged commissioner,
8 and a hearing officer from the Office of Administrative
9 Hearings, who shall be ~~chairman~~ *the chairperson* and a
10 voting member of ~~such~~ *the* board.

11 The department is responsible, under Section 11370.4
12 of the Government Code, for the cost of the services
13 provided for by the Office of Administrative Hearings in
14 carrying out ~~the provisions~~ of this section.

15 SEC. 18. Section 2182.1 is added to the Food and
16 Agricultural Code, to read:

17 2182.1. When the evidence specified in Section 2181
18 involves a commissioner's pesticide regulatory activities,
19 the trial board convened pursuant to Section 2182 shall
20 include the Director of Pesticide Regulation.

21 SEC. 19. Section 2206 of the Food and Agricultural
22 Code is amended to read:

23 2206. The board of supervisors of any county in which
24 the ~~director~~ *Director of Food and Agriculture or the*
25 *Director of Pesticide Regulation* is required by Section
26 2125 or 2125.1, as the case may be, to perform the duties
27 of commissioner shall, upon claim which is duly
28 submitted, reimburse the ~~department~~ *Department of*
29 *Food and Agriculture or the Department of Pesticide*
30 *Regulation* for all expenses which are incurred by the
31 ~~director~~ *Director of Food and Agriculture or the Director*
32 *of Pesticide Regulation* in fulfilling his or her
33 responsibilities in performing ~~such~~ *those* duties. The
34 amount of reimbursement shall not, however, be in
35 excess of an amount which is established by an agreement
36 between the board of supervisors and the ~~director~~
37 *Director of Food and Agriculture or the Director of*
38 *Pesticide Regulation* pursuant to Section 482 of this code
39 or Section 25801 of the Government Code.

40 SEC. 19.5. Section 2280 of the Food and Agricultural

1 Code is amended to read:

2 2280. The ~~director~~ *Director of Food and Agriculture*
3 *or the Director of Pesticide Regulation*, when acting in
4 person with a commissioner, has all the rights of ~~such a~~
5 commissioner.

6 SEC. 20. Section 2281 of the Food and Agricultural
7 Code is amended to read:

8 2281. Except as otherwise specifically provided, in all
9 cases where provisions of this code place joint
10 responsibility for the enforcement of laws and regulations
11 on the ~~director~~ *Director of Food and Agriculture or the*
12 *Director of Pesticide Regulation* and the commissioner,
13 the commissioner shall be responsible for local
14 administration of the enforcement program. The
15 ~~director~~ *Director of Food and Agriculture or the Director*
16 *of Pesticide Regulation* shall be responsible for overall
17 statewide enforcement and shall issue instructions and
18 make recommendations to the commissioner. ~~Such~~ *The*
19 instructions and recommendations shall govern the
20 procedure to be followed by the commissioner in the
21 discharge of his *or her* duties. The ~~director~~ *Director of*
22 *Food and Agriculture or the Director of Pesticide*
23 *Regulation* shall furnish assistance in planning and
24 otherwise developing an adequate county enforcement
25 program, including uniformity, coordination, training,
26 special services, special equipment, and forms, statewide
27 publicity, statewide planning, and emergency assistance.

28 The instructions and recommendations shall include a
29 cost analysis of the local administration of ~~such~~ *the*
30 programs, determined from data supplied by the
31 commissioner pursuant to Section 2272. ~~Such~~ *The* cost
32 analysis shall identify the joint programs or activities for
33 which funds necessary to maintain adequate county
34 administration and enforcement have not been provided.
35 The ~~director~~ *Director of Food and Agriculture or the*
36 *Director of Pesticide Regulation* shall develop, jointly
37 with the commissioners, county priorities for ~~such~~ *the*
38 enforcement programs and activities.

39 The ~~director~~ *Director of Food and Agriculture or the*
40 *Director of Pesticide Regulation* shall report annually to

1 the Legislature his or her findings concerning the cost
2 analysis with specific regard to programs where funds are
3 inadequate for an efficient enforcement program,
4 together with a listing of the priorities jointly established
5 by the ~~director~~ *Director of Food and Agriculture or the*
6 *Director of Pesticide Regulation* and the commissioners
7 that are contained in the formal instructions and
8 recommendations of the ~~director~~ *Director of Food and*
9 *Agriculture or the Director of Pesticide Regulation*.

10 SEC. 21. Section 2282 of the Food and Agricultural
11 Code is amended to read:

12 2282. (a) The ~~director~~ *Director of Food and*
13 *Agriculture or the Director of Pesticide Regulation* may
14 allocate annually to each county an amount determined
15 by the ~~director~~ *Director of Food and Agriculture or the*
16 *Director of Pesticide Regulation* not to exceed one-third
17 of the amount expended by the county during the
18 previous fiscal year for ~~these~~ *the* programs of joint
19 responsibility *under the jurisdiction of the respective*
20 *directors*. The allocations shall be made from funds
21 appropriated to the ~~director~~ *Director of Food and*
22 *Agriculture or the Director of Pesticide Regulation* for
23 purposes of carrying out activities of joint responsibility
24 with the commissioners at the local levels.

25 (b) The ~~director's~~ *annual report of the Director of*
26 *Food and Agriculture* to the Legislature required by
27 Section 2281 shall include his or her findings for each of
28 the following joint programs, including the amounts
29 allocated to, and expended by, the counties in the
30 previous fiscal year and the proposed amount to be
31 allocated by the director for each program for the
32 ensuing budget year:

- 33 (1) Pest detection.
- 34 (2) Pest eradication.
- 35 (3) Pest management control.
- 36 (4) Pest exclusion.
- 37 (5) ~~Pesticide use enforcement.~~
- 38 ~~(6)~~ Seed inspection.
- 39 ~~(7)~~
- 40 (6) Nursery inspection.

- 1 ~~(8)~~
 2 (7) Fruit and vegetable quality control.
 3 ~~(9)~~
 4 (8) Egg quality control.
 5 ~~(10)~~
 6 (9) Apiary inspection.
 7 ~~(11)~~
 8 (10) Crop statistics.

9 The report shall also specify the programs which have
 10 been augmented with state funds each year since 1980
 11 because of new legislative mandates, or because of pest
 12 infestations or outbreaks occurring since that date, and
 13 the annual amounts of those augmentations.

14 SEC. 22. Section 5029 of the Food and Agricultural
 15 Code is amended to read:

16 5029. (a) The department, in consultation with the
 17 ~~State Department of Health Services Office of~~
 18 *Environmental Health Hazard Assessment*, shall design
 19 and implement a program to provide information to
 20 persons who reside in areas scheduled to be treated with
 21 pesticides on an emergency basis in order to eradicate
 22 plant pests.

23 (b) The purpose of this program is to provide
 24 information about the health effects of the pesticides
 25 used in eradication projects. The program shall be
 26 designed to provide the greatest amount of information
 27 practicable to affected citizens. The department shall
 28 conduct outreach efforts to inform the public about the
 29 existence of this program.

30 (c) The department shall implement this section
 31 during 1985 and shall report on its implementation to the
 32 Legislature by December 31, 1985.

33 SEC. 23. The heading of Chapter 1 (commencing
 34 with Section 11401) of Division 6 of the Food and
 35 Agricultural Code is amended to read:

36
 37 CHAPTER 1. ~~DEFINITIONS~~ *DEPARTMENT OF*
 38 *PESTICIDE REGULATION*

39
 40 SEC. 24. An article heading is added immediately

1 preceding Section 11401 of the Food and Agricultural
2 Code, to read:

3

4

Article 1. Definitions

5

6 SEC. 25. Section 11401.1 is added to the Food and
7 Agricultural Code, to read:

8 11401.1. "Department" means the Department of
9 Pesticide Regulation.

10 SEC. 26. Section 11401.2 is added to the Food and
11 Agricultural Code, to read:

12 11401.2. "Director" means the Director of Pesticide
13 Regulation.

14 SEC. 27. Article 2 (commencing with Section 11451)
15 is added to Chapter 1 of Division 6 of the Food and
16 Agricultural Code, to read:

17

18

Article 2. Organization

19

20 11451. There is in the California Environmental
21 Protection Agency the Department of Pesticide
22 Regulation.

23 11452. The Department of Pesticide Regulation is
24 under the control of an executive officer known as the
25 Director of Pesticide Regulation, who shall be appointed
26 by, and hold office at the pleasure of, the Governor.

27 The director shall receive the annual salary provided
28 by Chapter 6 (commencing with Section 11550) of Part
29 1 of Division 3 of Title 2 of the Government Code.

30 11452.5. The Governor may appoint a deputy to the
31 director. The deputy director shall hold office at the
32 pleasure of the director, and shall receive a salary fixed
33 by the director with the approval of the Department of
34 Personnel Administration.

35 11453. The director has the powers of a head of the
36 department pursuant to Chapter 2 (commencing with
37 Section 11150) of Part 1 of Division 3 of Title 2 of the
38 Government Code.

39 11454. The department succeeds to, and is vested
40 with, all the duties, powers, purposes, responsibilities, and

1 jurisdiction of the Department of Food and Agriculture
2 relating to the regulation of pesticides. The powers,
3 functions, and responsibilities of the department shall
4 include, but not be limited to, the following:

5 (a) The functions and responsibilities set forth in this
6 division.

7 (b) The functions and responsibilities set forth in
8 Chapter 1 (commencing with Section 12501), Chapter 2
9 (commencing with Section 12751) excepting Article 2.5
10 (commencing with Section 12786), Chapter 3
11 (commencing with Section 14001), Chapter 3.5
12 (commencing with Section 14101), Chapter 3.6
13 (commencing with Section 14151), and Chapter 7
14 (commencing with Section 15201) of Division 7.

15 11454.1. The Department of Pesticide Regulation
16 shall conduct pesticide risk assessments as appropriate to
17 carry out its responsibilities set forth in Section 11454. The
18 Office of Environmental Health Hazard Assessment shall
19 provide scientific peer review of risk assessments
20 conducted by the department as appropriate to carry out
21 its responsibilities set forth in Section 59004 of the Health
22 and Safety Code.

23 11454.2. (a) The Department of Pesticide Regulation
24 shall consult the Department of Food and Agriculture in
25 any action relating to special local need registrations
26 pursuant to Section 136v of Title 7 of the United States
27 Code, emergency exemptions from registration pursuant
28 to Section 136p of Title 7 of the United States Code, denial
29 of new active ingredient registrations, suspension or
30 cancellation of pesticide registrations or uses, or other
31 measures adopted to mitigate unacceptable adverse
32 pesticidal effects.

33 (b) Consultation pursuant to subdivision (a) shall be
34 as specified in a memorandum of understanding between
35 the Department of Food and Agriculture and the
36 Department of pesticide Regulation. Information to be
37 provided by the Department of Food and Agriculture
38 shall include, but not be limited to, (1) impacts on
39 agriculture resulting from the proposed action, (2)
40 benefits derived from the use of the pesticide, and (3)

1 any recommended alternative action.

2 (c) Except for a suspension taken pursuant to Section
3 12826, the Department of pesticide Regulation shall
4 request in writing comments from the Department of
5 Food and Agriculture regarding any proposed final
6 decision to (1) deny a new active ingredient registration
7 or (2) suspend or cancel a pesticide registration. The
8 Department of pesticide Regulation shall specify in its
9 request the period within which the Department of Food
10 and Agriculture shall submit its comments in order for
11 the Department of Pesticide Regulation to consider, and
12 to respond to them in the final written decision.

13 11455. The director shall do both of the following:

14 (a) Execute the provisions of this code which the
15 director is required or authorized to administer or
16 enforce.

17 (b) Require reports from the commissioners.

18 11456. The director may do all of the following:

19 (a) Adopt regulations which are reasonably necessary
20 to carry out the provisions of this code which the director
21 is required or authorized to administer or enforce.

22 (b) Enter upon any premises to inspect the premises
23 or any plant, appliance, or thing which is on those
24 premises.

25 (c) Notwithstanding any other provision of law,
26 provide, by rule or regulation, for the issuance and
27 renewal on a two-year basis of licenses, certificates of
28 registration, or other indicia of authority issued pursuant
29 to the provisions of this code which the director is
30 required or authorized to administer or enforce. The
31 department may, by rule or regulation, set the fee for that
32 two-year license, certificate of registration, or other
33 indicia, not to exceed twice the annual fee for the
34 issuance or renewal set by statute.

35 (d) Arrange for the services of any individual
36 employed by the United States, the state, or a county on
37 a collaborative basis and allow that person a reasonable
38 fee and necessary expenses which are incurred when
39 serving the department in a collaborative capacity.

40 11457. The department may use the unexpended

1 balance of funds available for use in connection with the
2 performance of the functions of the Department of Food
3 and Agriculture to which the department succeeds
4 pursuant to Section 11454.

5 11458. All officers and employees of the Department
6 of Food and Agriculture who, on the effective date of this
7 section, are performing any duty, power, purpose,
8 responsibility, or jurisdiction to which the department
9 succeeds pursuant to Section 11454, who are serving in
10 the state civil service, other than as temporary
11 employees, and engaged in the performance of a function
12 vested in the department of by Section 11454 shall be
13 transferred to the department. The status, positions, and
14 rights of those persons shall not be affected by the
15 transfer and shall be retained by those persons as officers
16 and employees of the department, pursuant to the State
17 Civil Service Act (Part 2 (commencing with Section
18 18500) of Division 5 of Title 2 of the Government Code),
19 except as to positions exempted from civil service.

20 11459. The department shall have possession and
21 control of all records, papers, offices, equipment,
22 supplies, moneys, funds, appropriations, licenses,
23 permits, agreements, contracts, claims, judgments, and
24 land or other property, real or personal, connected with
25 the administration of, or held for the benefit or use of, the
26 Department of Food and Agriculture for the
27 performance of the functions transferred to the
28 department by Section 11454.

29 11460. All officers or employees of the department
30 employed after the effective date of this section shall be
31 appointed by the director.

32 SEC. 28. Article 3 (commencing with Section 11471)
33 is added to Chapter 1 of Division 6 of the Food and
34 Agricultural Code, to read:

35

36 Article 3. Department of Pesticide Regulation Fund

37

38 11471. (a) The Department of Pesticide Regulation
39 Fund is hereby created. Any money which is required by
40 law to be paid into the fund shall be paid into it and,

1 unless otherwise specifically provided, shall be expended
2 solely for the enforcement of the law under which the
3 money was derived. The expenditures from the fund for
4 the enforcement of any law shall not, unless otherwise
5 specifically provided, exceed the amount of money which
6 is credited to the fund pursuant to the law.

7 (b) As of the effective date of this section, all money
8 previously deposited in the Department of Food and
9 Agriculture Fund that were collected for the purposes of
10 this division or Chapter 1 (commencing with Section
11 12501), Chapter 2 (commencing with Section 12751)
12 excepting Article 2.5 (commencing with Section 12786),
13 Chapter 3 (commencing with Section 14001), Chapter 3.5
14 (commencing with Section 14101), or Chapter 3.6
15 (commencing with Section 14151) of Division 7, and
16 including, but not limited to, Sections 11513, 11893, 12021,
17 12103, 12104, 12105, 12112, 12201, 12252, 12998, 12999.4,
18 14027, 14152, 55861.7, and 56571.7 of this code, and Section
19 26506.6 of the Health and Safety Code, shall be deposited
20 in the Department of Pesticide Regulation Fund.

21 11472. The director shall keep a separate record of the
22 classes and sources of income which are credited to, and
23 disbursed from, the Department of Pesticide Regulation
24 Fund.

25 11473. A sum not to exceed twenty-five thousand
26 dollars (\$25,000) may, upon approval of the Department
27 of Finance, be withdrawn from the Department of
28 Pesticide Regulation Fund to be used as a revolving fund
29 by the department for the purposes for which the
30 Department of Pesticide Regulation Fund may be used.

31 11474. The director may charge any bureau, division,
32 board, or other agency of the department which is
33 supported otherwise than by the appropriations from the
34 General Fund its proportionate share of the
35 administrative expense of the department, or a share in
36 an amount which is computed to reasonably compensate
37 the department for the administrative services which are
38 rendered by it.

39 11475. Apportionment of expenses shall be made and
40 determined by the director, subject to the approval of the

1 Director of Finance. The proportionate or computed
2 share so charged shall not exceed 5 percent of the
3 collections which are made by the department for the
4 bureau, division, board, or other agency.

5 11476. Any money which is charged and received by
6 the department pursuant to this article shall be remitted
7 to the State Treasury for credit to the current
8 appropriation from the General fund for the support of
9 the department. The sum so remitted shall be available
10 for expenditure for the support of the department.

11 11477. The director may direct suit in the name of the
12 people of the state, as plaintiff, to be brought for the
13 recovery of any license or other fee against any person
14 required to take out a license or pay any fee pursuant to
15 the provisions of this code which the director is required
16 or authorized to administer or enforce, that fails,
17 neglects, or refuses to take out that license or pay that fee,
18 or that, without that license or payment of that fee,
19 carries on or attempts to carry on the business or do any
20 act for which the license or payment of the fee is
21 required. Notwithstanding Section 483.010 of the Code of
22 Civil Procedure, in that case a writ of attachment may be
23 issued in the manner provided by Title 6.5 (commencing
24 with Section 481.010) of Part 2 of the Code of Civil
25 Procedure.

26 SEC. 29. Section 11513 of the Food and Agricultural
27 Code is amended to read:

28 11513. Any money which is derived under the
29 provisions of Article 1 (commencing with Section 11701
30 of Chapter 4 and Article 1 (commencing with Section
31 11901) of Chapter 5 shall be paid into the State Treasury
32 to the credit of the Department of ~~Food and Agriculture~~
33 *Pesticide Regulation* Fund. Any money in the
34 Department of ~~Food and Agriculture~~ *Pesticide*
35 *Regulation* Fund which is derived under the provisions of
36 this division may be expended for the administration and
37 enforcement of this division, notwithstanding any other
38 provision of law which limits the expenditure of any such
39 money to the specific purposes or to the administration
40 or enforcement of each of these portions of this code

1 separately.

2 SEC. 30. Section 11514 of the Food and Agricultural
3 Code is amended to read:

4 11514. Whenever a decision of the director suspends
5 for 30 days or less the license of a person licensed
6 pursuant to Sections 11701 to 11709, inclusive, or Sections
7 11901 to 11913, inclusive, and ~~such~~ *the* suspension
8 becomes final, the licensee may, before the operative
9 date of ~~such~~ *the* suspension, petition the director for
10 permission to make a monetary payment in lieu of
11 serving all, or a portion, of the suspension. Upon receipt
12 of ~~such~~ *the* petition, the director may stay the suspension
13 while ~~he~~ *the director* makes such investigation as ~~he~~
14 ~~deems~~ *the director determines to be* desirable and may
15 grant the petition if ~~he~~ *the director* is satisfied (a) that
16 the public health, safety, and welfare will not be
17 impaired by permitting the licensee to operate during
18 the period set for suspension; (b) the payment of the sum
19 of money will achieve the desired disciplinary purpose;
20 and (c) that it will be possible to determine with
21 reasonable accuracy from the records of the licensee the
22 services which would have been performed under the
23 privilege of the license during the period in which the
24 license would have been suspended.

25 As to a licensee engaged for hire in the business of pest
26 control, the monetary payment stated in the petition
27 shall be in a specific amount, which is estimated to be the
28 equivalent of 20 percent of the gross receipts of the
29 licensee for each day of the suspension and shall not be
30 less than two hundred fifty dollars (\$250) nor more than
31 two thousand five hundred dollars (\$2,500).

32 As to a licensee licensed with a pest control aircraft
33 pilot's certificate, the monetary payment in the petition
34 shall be in a specific amount, which is estimated to be the
35 equivalent of 50 percent of the gross earnings of the
36 licensee for all work performed by ~~him~~ *the licensee*
37 under the privileges of the license for each day of the
38 suspension and shall not be less than one hundred dollars
39 (\$100) nor more than one thousand dollars (\$1,000).

40 When the decision provides that a portion of the

1 suspension shall be stayed on probationary conditions,
2 the petition shall not apply to the portion of the
3 suspension which is so stayed, nor shall ~~such~~ *that* portion
4 be included in determining the 30-day limitation for
5 eligibility of the petition.

6 If the petition is accepted, then upon payment by the
7 licensee of the sum specified, the director shall enter his
8 *or her* order permanently staying all or a portion of the
9 suspension in accordance with the petition.

10 All payments received pursuant to this section shall be
11 credited to the Department of ~~Agriculture~~ *Pesticide*
12 *Regulation* Fund for use in the administration and
13 enforcement of this division.

14 SEC. 31. Section 11893 of the Food and Agricultural
15 Code is amended to read:

16 11893. Any person who violates any provision of this
17 division, or any regulation issued pursuant to a provision
18 of this division, shall be liable civilly in an amount not
19 exceeding five hundred dollars (\$500) for each violation.
20 Any money recovered under this section shall be paid
21 into the Department of ~~Food and Agriculture~~ *Pesticide*
22 *Regulation* Fund for use by the department in
23 administering and enforcing the provisions of this
24 division pursuant to Section 11513, and in administering
25 the provisions of Division 7 (commencing with Section
26 12501).

27 SEC. 32. Section 12021 of the Food and Agricultural
28 Code is amended to read:

29 12021. Application for a pest control adviser license
30 shall be in the form prescribed by the director. Each
31 application shall state the name and address of the
32 applicant and shall be accompanied by a fee of fifty
33 dollars (\$50) to be paid into the State Treasury to the
34 credit of the Department of ~~Food and Agriculture~~
35 *Pesticide Regulation* Fund. All licenses issued under this
36 article shall expire on December 31 of the year for which
37 they are issued. Licenses may be renewed annually by
38 the date of expiration through application in the form
39 prescribed by the director and upon payment of a fee of
40 forty dollars (\$40). A penalty of ten dollars (\$10) shall be

1 assessed against any applicant who applies for a renewal
2 of the license after the expiration date.

3 SEC. 32.5. Section 12042 of the Food and Agricultural
4 Code is amended to read:

5 12042. There is in the department an Agricultural
6 Pest Control Advisory Committee, appointed by the
7 director, consisting of the following members:

8 (a) One member representing agricultural pest
9 control advisers.

10 (b) One member representing agricultural pest
11 control businesses.

12 (c) One member representing pest control
13 maintenance gardeners.

14 (d) One member representing pest control aircraft
15 pilots.

16 (e) One member representing pesticide dealers.

17 (f) One member representing commercial applicator
18 certificate holders.

19 (g) One member representing registrants, as defined
20 in Section 12755.

21 (h) One member representing the California
22 Agricultural Commissioners Association.

23 (i) One member representing the University of
24 California, Division of Agriculture and Natural
25 Resources, who is nominated by the board of regents and
26 who specializes in pest management.

27 (j) One member representing the Board of Trustees of
28 the California State University system.

29 (k) One member representing the Board of
30 Governors of the California Community College system.

31 (l) One member representing producers, as defined
32 in Section 56110.

33 (m) One member representing the general public.

34 (n) *One member representing the Department of*
35 *Food and Agriculture.*

36 SEC. 33. Section 12103 of the Food and Agricultural
37 Code is amended to read:

38 12103. Application for a license shall be in the form
39 prescribed by the director. Each application shall state
40 the name and address of the applicant and shall be

1 accompanied by a fee of one hundred dollars (\$100) to be
2 paid into State Treasury to the credit of the Department
3 of ~~Food and Agriculture~~ *Pesticide Regulation* Fund. All
4 licenses issued under this article shall expire on
5 December 31 of the year for which they are issued.

6 To the amount of the license fee shall be added, as an
7 additional license fee, fifty dollars (\$50) for each branch
8 salesyard, store, or sales location which is owned and
9 operated by the applicant in the state or in other states
10 when doing business from that location within the state.

11 SEC. 34. Section 12104 of the Food and Agricultural
12 Code is amended to read:

13 12104. The license for a pesticide dealer may be
14 renewed annually upon application in the form
15 prescribed by the director, accompanied by a fee of one
16 hundred dollars (\$100), for each license and fifty dollars
17 (\$50) for each branch, salesyard store, or sales location by
18 the date of expiration. These fees shall be paid into the
19 State Treasury to the credit of the Department of ~~Food~~
20 ~~and Agriculture~~ *Pesticide Regulation* Fund.

21 SEC. 35. Section 12112 of the Food and Agricultural
22 Code is amended to read:

23 12112. Notwithstanding Section 11513, 50 percent of
24 the moneys derived under this chapter shall be available
25 to the director to cover the costs of establishing and
26 administering the pesticide dealer's licensing program
27 pursuant to this chapter. The director shall pay 50
28 percent of the moneys collected to the counties which
29 employ ~~agricultural~~ commissioners and the moneys shall
30 be used by the counties for the enforcement and
31 administration of this chapter. The department shall
32 determine and pay to each county one-half of the
33 deposited application fees and renewal fees that are
34 received from applicants whose principal address at the
35 time of payment, as determined by the director, was
36 located in the county, and the amount of the payments to
37 counties is hereby appropriated from the Department of
38 ~~Food and Agriculture~~ *Pesticide Regulation* Fund.

39 SEC. 36. Section 12201 of the Food and Agricultural
40 Code is amended to read:

1 12201. Application for a qualified applicator license
2 shall be in a form prescribed by the director. Each
3 application shall state the name and address of the
4 applicant and shall be accompanied by a fee of forty
5 dollars (\$40). These fees shall be paid into the State
6 Treasury to the credit of the Department of ~~Food and~~
7 ~~Agriculture~~ *Pesticide Regulation* Fund.

8 SEC. 37. Section 12252 of the Food and Agricultural
9 Code is amended to read:

10 12252. (a) Application for a pesticide dealer
11 designated agent license shall be in the form prescribed
12 by the director. Each application shall state the name and
13 address of the applicant and shall be accompanied by a
14 fee of fifteen dollars (\$15). These fees shall be paid into
15 the State Treasury to the credit of the Department of
16 ~~Food and Agriculture~~ *Pesticide Regulation* Fund.

17 (b) All licenses issued pursuant to this article shall
18 expire on December 31 of the year for which they are
19 issued.

20 (c) Licenses may be renewed annually upon
21 application in the form prescribed by the director and
22 upon payment of a fee of fifteen dollars (\$15). A penalty
23 of ten dollars (\$10) shall be added to any license renewal
24 fee which is not paid by the date of expiration of the
25 previously issued license.

26 SEC. 38. Section 12752.2 is added to the Food and
27 Agricultural Code, to read:

28 12752.2. "Department" means the Department of
29 Pesticide Regulation when used in Chapter 1
30 (commencing with Section 12501), Chapter 2
31 (commencing with Section 12751) excepting Article 2.5
32 (commencing with Section 12786), Chapter 3
33 (commencing with Section 14001), Chapter 3.5
34 (commencing with Section 14101), Chapter 3.6
35 (commencing with Section 14151), and Chapter 7
36 (commencing with Section 15201).

37 In Article 2.5 (commencing with Section 12786) of
38 Chapter 2, Chapter 4 (commencing with Section 14200),
39 Chapter 5 (commencing with Section 14501), and
40 Chapter 6 (commencing with Section 14901),

1 “department” means the Department of Food and
2 Agriculture.

3 SEC. 39. Section 12752.5 is added to the Food and
4 Agricultural Code, to read:

5 12752.5. “Director” means the Director of Pesticide
6 Regulation when used in Chapter 1 (commencing with
7 Section 12501), Chapter 2 (commencing with Section
8 12751) excepting Article 2.5 (commencing with Section
9 12786), Chapter 3 (commencing with Section 14001),
10 Chapter 3.5 (commencing with Section 14101), Chapter
11 3.6 (commencing with Section 14151), and Chapter 7
12 (commencing with Section 15201).

13 In Article 2.5 (commencing with Section 12786) of
14 Chapter 2, Chapter 4 (commencing with Section 14200),
15 Chapter 5 (commencing with Section 14501), and
16 Chapter 6 (commencing with Section 14901), “director”
17 means the Director of Food and Agriculture.

18 SEC. 39.5. Section 12754.5 of the Food and
19 Agricultural Code is amended to read:

20 12754.5. “Pest” means any of the following that is, or
21 is liable to become, dangerous or detrimental to the
22 agricultural or nonagricultural environment of the state:

23 (a) Any insect, predatory animal, rodent, nematode,
24 or weed.

25 (b) Any form of terrestrial, aquatic, or aerial plant or
26 animal, virus, fungus, bacteria, or other microorganism
27 (except viruses, fungi, bacteria, or other microorganisms
28 on or in living man or other living animals).

29 (c) Anything that the ~~director~~ *Director of Food and*
30 *Agriculture or the Director of Pesticide Regulation*, by
31 regulation, declares to be a pest.

32 SEC. 40. Section 12784 of the Food and Agricultural
33 Code is amended to read:

34 12784. Any money which is received by the director
35 pursuant to this chapter shall be paid into the State
36 Treasury to the credit of the Department of ~~Food and~~
37 ~~Agriculture~~ *Pesticide Regulation* Fund. Registration fees
38 and assessments received pursuant to this chapter shall
39 be expended only for the administration and
40 enforcement of ~~Chapters~~ *Chapter 2* (commencing with

1 Section 12751), *Chapter 3* (commencing with Section
2 14001), and *Chapter 3.5* (commencing with Section
3 14101) of Division 7.

4 SEC. 41. Section 12798 of the Food and Agricultural
5 Code is amended to read:

6 12798. (a) The department shall establish a
7 competitive grants program to make funds available to
8 qualified public and private entities to conduct pest
9 management research projects. All of the research
10 related to pest management funded by the department
11 shall be administered pursuant to this program.

12 (b) Research conducted pursuant to this section shall
13 have the further development of alternative pest
14 management practices and methods and the further
15 development of pest exclusion detection and eradication
16 methods as priorities. Prior to making research awards,
17 the department shall assess existing research activities
18 and developments in integrated pest management,
19 alternatives to pesticides, and other alternative pest
20 management practices and methods, including, but not
21 limited to, cultural, biological, and biotechnological
22 research.

23 (c) (1) The director shall establish a Pest
24 Management Research Committee which shall award all
25 funds under the competitive grants program.

26 (2) The primary objective of the committee is the
27 further development of pest prevention activities and
28 alternative pest management practices, techniques, and
29 methods which exclude serious pests, as determined by
30 the committee, which detect and quickly eliminate small
31 infestations of foreign pests, and which reduce pesticide
32 use, minimize or eliminate pesticide residues, or result in
33 the use of safer pesticides. In achieving that objective, the
34 committee shall encourage the development and use of
35 biological controls, integrated pest management,
36 biotechnology, cultural, pest prevention, and other
37 alternative pest management methods which are
38 environmentally sound and economically viable.

39 (3) The committee shall consist of 10 persons, who
40 shall serve at the pleasure of the director. The committee

1 shall consist of the following members:

2 (A) ~~The Notwithstanding Section 11454~~, the Director
3 of Food and Agriculture or his or her designee, who shall
4 serve as chairperson.

5 (B) The President of the University of California or his
6 or her designee.

7 (C) The Chancellor of the California State University
8 or his or her designee.

9 (D) Two members who represent the agricultural
10 community, one of whom is an experienced organic
11 farmer and one of whom is knowledgeable and
12 experienced in alternative pest management techniques.

13 (E) Two members who represent pest management
14 researchers, one of whom represents California's public
15 and private colleges and universities and one of whom
16 represents California's independent research
17 community, both of whom are knowledgeable in pest
18 prevention, control, eradication, and pest management.

19 (F) One member who represents public interest
20 organizations, qualified in environmental or public
21 health, or both, and knowledgeable in alternative pest
22 management techniques.

23 (G) One member who represents the ~~State~~
24 ~~Department of Health Services~~ *Office of Environmental*
25 *Health Hazard Assessment*, with experience in public
26 health or toxicology.

27 (H) One member who represents county agricultural
28 commissioners, knowledgeable and experienced in
29 alternative pest management techniques and pest
30 prevention, control, and eradication.

31 (4) The committee shall award funds based upon a
32 competitive application process that meets the eligibility
33 of fulfilling, and has the ability to fulfill, the objectives of
34 this section.

35 (5) The approval of research proposals shall be made
36 by a majority vote of the membership of the committee.

37 (d) For any proposals funded pursuant to this section,
38 the department shall require reasonable accountability,
39 including performance standards, periodic reports,
40 deadlines, and payments conditioned on compliance with

1 performance standards and deadlines.

2 (e) Funding for second and subsequent years of a
3 multiyear award shall be contingent upon satisfactory
4 completion by the grantee of the prior year grant awards.

5 (f) In order to facilitate the utilization of pest
6 management practices and methods developed pursuant
7 to this section, the director shall cooperate with qualified
8 public and private entities to provide outreach
9 consultation, information dissemination, and educational
10 services to the agricultural community and other
11 interested parties.

12 SEC. 42. Section 12798.4 of the Food and Agricultural
13 Code is amended to read:

14 12798.4. The director shall establish a Pest Control
15 Research Screening Committee which shall function as a
16 scientific peer review committee on general pest
17 management research proposals submitted pursuant to
18 Section 12798. The screening committee shall conduct
19 and provide a thorough evaluation of the scientific merit,
20 environmental soundness, and economic viability of each
21 proposal. The committee may circulate research
22 proposals to agricultural commodity groups to obtain
23 information as to the practicality of, and need for, the
24 proposed research. The committee shall meet at the
25 request of the director, and, after reviewing all current
26 proposals, shall make recommendations to the Pest
27 Management Research Committee established pursuant
28 to Section 12798 as to which proposals should be funded.
29 The committee shall consist of the following members:

30 (a) Five members who represent California's public
31 and private colleges and universities or private research
32 community, each of whom possesses a degree in either
33 entomology, plant pathology, or environmental studies,
34 and who is knowledgeable, technically qualified, and
35 experienced in pest ~~management~~ *management* research.

36 (b) One member who represents the department,
37 with experience in pest management.

38 (c) One member who represents the ~~State~~
39 ~~Department of Health Services~~ *Office of Environmental*
40 *Health Hazard Assessment*, with experience in public

1 health or toxicology.

2 (d) *One member who represents the Department of*
3 *Food and Agriculture, with experience in pest*
4 *management.*

5 SEC. 43. Section 12798.6 of the Food and Agricultural
6 Code is amended to read:

7 12798.6. The director shall establish a Pest Science
8 and Technology Screening Committee which shall
9 function as a scientific peer review committee on exotic
10 pest research proposals submitted pursuant to Section
11 12798. The screening committee shall conduct and
12 provide a thorough evaluation of the scientific merit,
13 environmental soundness, and economic viability of each
14 proposal. The committee shall meet at the request of the
15 director and after reviewing all current proposals shall
16 make recommendations to the Pest Management
17 Research Committee established pursuant to Section
18 12798 as to which proposals should be funded. The
19 committee shall consist of the following members:

20 (a) Five members who represent California's public
21 and private colleges and universities or private research
22 community, each of whom possesses a degree in
23 entomology, plant pathology, or environmental studies,
24 and who are knowledgeable, technically qualified, and
25 experienced in exotic pest biology and pest exclusion,
26 detection, and eradication research.

27 (b) One member who represents the department,
28 with experience in pest prevention.

29 (c) One member who represents the ~~State~~
30 ~~Department of Health Services~~ *Office of Environmental*
31 *Health Hazard Assessment*, with experience in public
32 health or toxicology.

33 (d) *One member who represents the Department of*
34 *Food and Agriculture, with experience in pest*
35 *prevention.*

36 SEC. 44. Section 12846 of the Food and Agricultural
37 Code is amended to read:

38 12846. The Food Safety Account is hereby created in
39 the Department of Food and Agriculture Fund ~~to~~ *and is*
40 *continued in existence as the Food Safety Account in the*

1 *Department of Pesticide Regulation Fund. The funds in*
2 *the account shall be used, upon appropriation, for*
3 *purposes of Sections 12535, 12797, 12798, 12979, 13060, and*
4 *13061 of this code and Section 26509 of the Health and*
5 *Safety Code.*

6 SEC. 45. Section 12980 of the Food and Agricultural
7 Code is amended to read:

8 12980. The Legislature hereby finds and declares that
9 it is necessary and desirable to provide for the safe use of
10 pesticides and for safe working conditions for
11 farmworkers, pest control applicators, and other persons
12 handling, storing, or applying pesticides, or working in
13 and about pesticide-treated areas.

14 The Legislature further finds and declares that the
15 development of regulations relating to pesticides and
16 worker safety should be the joint and mutual
17 responsibility of the Department of ~~Food and~~
18 ~~Agriculture~~ *Pesticide Regulation* and the ~~State~~
19 ~~Department of Health Services~~ *Office of Environmental*
20 *Health Hazard Assessment.*

21 The Legislature further finds and declares that, in
22 carrying out the provisions of this article, the University
23 of California, the Department of Industrial Relations, and
24 any other similar institution or agency should be
25 consulted.

26 SEC. 46. Section 12981 of the Food and Agricultural
27 Code is amended to read:

28 12981. The director shall adopt regulations to carry
29 out the provisions of this article. ~~Such~~ *The* regulations
30 shall include, but are not limited to, all of the following
31 subjects:

32 (a) Restricting worker reentry into areas treated with
33 pesticides determined by the director to be hazardous to
34 worker safety by using either or both of the following:

35 (1) Time limits.

36 (2) Pesticide residue levels on treated plant parts
37 determined by scientific analysis to not be a significant
38 factor in cholinesterase depression or other health
39 effects.

40 When the director has adopted regulations pursuant to

1 both paragraphs (1) and (2), the person in control of the
2 area treated with the pesticide shall have the option of
3 following regulations adopted pursuant to either
4 paragraph (1) or (2). If the person in control of the area
5 treated with the pesticide chooses to follow regulations
6 adopted pursuant to paragraph (2), the director may
7 establish and charge the person a fee necessary to cover
8 any costs of analysis or costs incurred by the director or
9 commissioner in carrying out regulations adopted
10 pursuant to paragraph (2). The regulations shall include
11 a procedure for the collection of the fee, and the fee shall
12 not exceed actual cost.

13 (b) Handling of pesticides.

14 (c) Hand washing facilities.

15 (d) Farm storage and commercial warehousing of
16 pesticides.

17 (e) Protective devices, including, but not limited to,
18 respirators and eyeglasses.

19 (f) Posting, in English and Spanish, of fields, areas,
20 adjacent areas or fields, or storage areas.

21 The ~~State Department of Health Services Office of~~
22 ~~Environmental Health Hazard Assessment~~ shall
23 participate in the development of any regulations
24 adopted pursuant to this article. ~~Such~~ Those regulations
25 that relate to health effects shall be based upon the
26 recommendations of the ~~State Department of Health~~
27 ~~Services office~~. The original written recommendations of
28 the ~~State Department of Health Services office~~, any
29 subsequent revisions of those recommendations, and the
30 supporting evidence and data upon which the
31 recommendations were based shall be made available
32 upon request to any person.

33 SEC. 47. Section 12982 of the Food and Agricultural
34 Code is amended to read:

35 12982. The director and the commissioner of each
36 county under the direction and supervision of the
37 director, shall enforce the provisions of this article and
38 the regulations adopted pursuant to it. The local health
39 officer may assist the director and the commissioner in
40 the enforcement of the provisions of this article and any

1 regulations adopted pursuant to it. The local health
2 officer shall investigate any condition where a health
3 hazard from pesticide use exists, and shall take necessary
4 action, in cooperation with the commissioner, to abate
5 any such condition. The local health officer may call upon
6 the ~~State Department of Health Services Office of~~
7 *Environmental Health Hazard Assessment* for assistance
8 pursuant to the provisions of Section 2951 of the Health
9 and Safety Code.

10 SEC. 48. Section 12998 of the Food and Agricultural
11 Code is amended to read:

12 12998. Any person who violates any provision of this
13 division relating to pesticides, or any regulation issued
14 pursuant to a provision of this division relating to
15 pesticides, shall be liable civilly in an amount not
16 exceeding ten thousand dollars (\$10,000) for each
17 violation. Any person who commits a second or
18 subsequent violation that is the same as a prior violation
19 or similar to a prior violation or whose intentional
20 violation resulted or reasonably could have resulted in
21 the creation of a hazard to human health or the
22 environment or in the disruption of the market of the
23 crop or commodity involved, shall be liable civilly in an
24 amount not to exceed twenty-five thousand dollars
25 (\$25,000). Any money recovered under this section shall
26 be paid into the Department of ~~Food and Agriculture~~
27 *Pesticide Regulation* Fund for use by the department in
28 administering the provisions of this division; and
29 Division 6 (commencing with Section 11401).

30 SEC. 48.5. Section 12999.4 of the Food and
31 Agricultural Code is amended to read:

32 12999.4. (a) In lieu of civil prosecution by the
33 director, the director may levy a civil penalty against a
34 person violating Section 12671 or ~~Section~~ 12993 of not
35 more than five thousand dollars (\$5,000) for each
36 violation.

37 (b) Before a civil penalty is levied, the person charged
38 with the violation shall receive notice of the nature of the
39 violation and shall be given an opportunity to be heard,
40 including the right to review the director's evidence and

1 a right to present evidence on his or her own behalf.

2 (c) Review of the decision of the director may be
3 sought by the person against whom the penalty was
4 levied within 30 days of the date of the decision pursuant
5 to Section 1094.5 of the Code of Civil Procedure.

6 (d) After the exhaustion of the review procedure
7 provided in this section, the director or his or her
8 representative, may file a certified copy of a final decision
9 of the director that directs the payment of a civil penalty
10 and, if applicable, any order that denies a petition for a
11 writ of administrative mandamus, with the clerk of the
12 superior court of any county. Judgment shall be entered
13 immediately by the clerk in conformity with the decision
14 or order. No fees shall be charged by the clerk of the
15 superior court for the performance of any official service
16 required in connection with the entry of judgment
17 pursuant to this section.

18 (e) Any money recovered under this section shall be
19 paid into the Department of ~~Food and Agriculture~~
20 *Pesticide Regulation* Fund for use by the department,
21 upon appropriation, in administering this division and
22 Division 6 (commencing with Section 11401).

23 SEC. 49. Section 13060 of the Food and Agricultural
24 Code is amended to read:

25 13060. (a) Commencing on July 1, 1990, the
26 department, in cooperation with the ~~State Department~~
27 ~~of Health Services~~ *Office of Environmental Health*
28 *Hazard Assessment*, shall conduct an assessment of
29 dietary risks associated with the consumption of produce
30 and processed foods treated with pesticides. This
31 assessment shall integrate adequate data on acute effects
32 and the mandatory health effects studies specified in
33 subdivision (c) of Section 13123, appropriate dietary
34 consumption estimates, and relevant residue data based
35 on the department's and the State Department of Health
36 Services' monitoring data and appropriate field
37 experimental and food technology information to
38 quantify consumer risk. Differences in age, sex, ethnic,
39 and regional consumption patterns shall be considered.
40 The department shall submit each risk assessment to the

1 ~~State Department of Health Services office~~, with
2 necessary supporting documentation, for peer review,
3 which shall consider the adequacy of public health
4 protection. The ~~State Department of Health Services~~
5 ~~office~~ may provide comments to the department. The
6 department shall formally respond to all of the comments
7 made by the ~~State Department of Health Services office~~.
8 The department shall modify the risk assessment to
9 incorporate the comments as deemed appropriate by the
10 director. All correspondence between the department
11 and the ~~State Department of Health Services office~~ in
12 this matter shall be made available to any person, upon
13 request, pursuant to the California Public Records Act
14 (Chapter 3.5 (commencing with Section 6250) of
15 Division 7 of Title 1 of the Government Code).

16 (b) The department shall consider those pesticides
17 designated for priority food monitoring pursuant to
18 Section 12535 and the results of the department's or the
19 State Department of Health Services' monitoring in
20 establishing priorities for the dietary risk assessments.

21 (c) (1) If the department lacks adequate data on the
22 acute effects of pesticide active ingredients or mandatory
23 health effects studies specified in subdivision (c) of
24 Section 13123 necessary to accurately estimate dietary
25 risk, the department shall require the appropriate data to
26 be submitted by the registrant of products whose labels
27 include food uses. This subdivision shall not be construed
28 to affect the time frames established pursuant to Section
29 13127.

30 (2) No applicant for registration, or current registrant,
31 of a pesticide who proposes to purchase or purchases a
32 registered pesticide from another producer in order to
33 formulate the purchased pesticide into an end use
34 product shall be required to submit or cite data pursuant
35 to this section or offer to pay reasonable compensation for
36 the use of any such data if the producer is engaged in
37 fulfilling the data requirements of this section.

38 (d) (1) If a registrant fails to submit the data
39 requested by the director pursuant to this section within
40 the time specified by the director, the director shall issue

1 a notice of intent to suspend the registration of that
2 pesticide. The director may include, in the notice of
3 intent to suspend, any provisions that are deemed
4 appropriate concerning the continued sale and use of
5 existing stocks of that pesticide. Any proposed suspension
6 shall become final and effective 30 days from the receipt
7 by the registrant of the notice of intent to suspend, unless
8 during that time a request for hearing is made by a person
9 adversely affected by the notice or the registrant has
10 satisfied the director that the registrant has complied
11 fully with the requirements that served as a basis for the
12 notice of intent to suspend. If a hearing is requested, a
13 hearing shall be conducted pursuant to Chapter 5
14 (commencing with Section 11500) of Part 1 of Division 3
15 of Title 2 of the Government Code. The only matter for
16 resolution at the hearing shall be whether the registrant
17 has failed to take the action that served as the basis for the
18 notice of intent to suspend the registration of the
19 pesticide for which additional data is required and
20 whether the director's determination with respect to the
21 disposition of existing stocks is consistent with this
22 subdivision.

23 (2) A hearing shall be held and a determination made
24 within 75 days after receipt of a request for a hearing. The
25 decision rendered after completion of the hearing shall
26 be final. Any registration suspended shall be reinstated by
27 the director if the director determines that the registrant
28 has complied fully with the requirements that served as
29 a basis for the suspension of the registration.

30 (e) If the department finds that any pesticide use
31 represents a dietary risk that is deleterious to the health
32 of humans, the department shall prohibit or take action
33 to modify that use or modify the tolerance pursuant to
34 Section 12561, or both, as necessary to protect the public.

35 SEC. 50. Section 13061 of the Food and Agricultural
36 Code is amended to read:

37 13061. The department and the ~~State Department of~~
38 ~~Health Services~~ *Office of Environmental Health Hazard*
39 *Assessment* shall jointly review the existing federal and
40 state pesticide registration and food safety system and

1 determine if the existing programs adequately protect
2 infants and children from dietary exposure to pesticide
3 residues. The review shall commence as early as possible
4 in 1990, so that any policy or administrative adjustments
5 determined to be necessary as a result of the joint review
6 can be made on a timely basis. The department shall
7 consult with the University of California and other
8 qualified public and private entities in conducting the
9 joint review. The joint review shall continue for a
10 sufficient time in order to evaluate the report of infant
11 exposure to pesticide residues, which is presently being
12 undertaken by the National Academy of Sciences. Within
13 six months of the official release of the National Academy
14 of Sciences' study, the department shall finalize a report
15 describing the evaluation that was conducted pursuant to
16 this section, including any recommendations for
17 modification of the existing regulatory system in order to
18 adequately protect infants and children. A copy of this
19 report shall be submitted to the Governor and the
20 Legislature.

21 SEC. 51. Section 13126 of the Food and Agricultural
22 Code is amended to read:

23 13126. No new active pesticide ingredient shall be
24 conditionally registered or licensed when any of the
25 mandatory health effects studies, as defined in
26 subdivision (c) of Section 13123, is missing, incomplete,
27 or of questionable validity unless the registration is based
28 on previous consultation with the ~~State~~ Director of
29 ~~Health Services~~ *Environmental Health Hazard*
30 *Assessment* and the Director of Industrial Relations.

31 SEC. 52. Section 13129 of the Food and Agricultural
32 Code is amended to read:

33 13129. (a) If the director, after evaluation of the
34 health effects study of an active ingredient, finds that a
35 pesticide product containing the active ingredient
36 presents significant adverse health effects, including
37 reproduction, birth defects, or infertility abnormalities,
38 the director shall take cancellation or suspension action
39 against the product pursuant to Section 12825 or 12826.

40 (b) The ~~State~~ Director of ~~Health Services~~

1 *Environmental Health Hazard Assessment* shall have
2 access to mandatory health effects studies and other
3 health effects studies on file at the Department of ~~Food~~
4 ~~and Agriculture Pesticide Regulation~~, and may, based
5 upon the determination of the ~~State Director of Health~~
6 ~~Services~~ *Environmental Health Hazard Assessment*,
7 provide advice, consultation, and recommendations
8 concerning the risks to human health associated ~~with~~
9 ~~with~~ exposure to the substances tested.

10 SEC. 53. Section 13143 of the Food and Agricultural
11 Code is amended to read:

12 13143. (a) Not later than December 1, 1986, a person
13 that has registered an economic poison in California for
14 agricultural use shall submit to the director the
15 information prescribed in this subdivision. The
16 information shall be submitted for each active ingredient
17 in each economic poison registered. The registrant shall
18 submit all of the following information:

19 (1) Water solubility.

20 (2) Vapor pressure.

21 (3) Octanol-water partition coefficient.

22 (4) The soil adsorption coefficient.

23 (5) Henry's Law constant.

24 (6) Dissipation studies, including hydrolysis,
25 photolysis, aerobic and anaerobic soil metabolism, and
26 field dissipation, under California or similar
27 environmental use conditions.

28 (7) Any additional information the director
29 determines is necessary.

30 (b) The director also may require the information
31 prescribed in subdivision (a) for other specified
32 ingredients and degradation products of an active
33 ingredient in any economic poison. The director shall also
34 require this information when the State Department of
35 Health Services, *the Office of Environmental Health*
36 *Hazard Assessment*, or the board submits a written
37 request for the information to the director, if the State
38 Department of Health Services, *the Office of*
39 *Environmental Health Hazard Assessment*, or the board
40 specifies the reasons why they consider the information

1 necessary. The director shall deny the request upon a
2 written finding that, based on available scientific
3 evidence, the request would not further the purposes of
4 this article.

5 (c) All information submitted pursuant to subdivision
6 (a) shall be presented in English and summarized in
7 tabular form on no more than three sheets of paper with
8 the actual studies, including methods and protocols
9 attached. All information shall, at a minimum, meet the
10 testing methods and reporting requirements provided by
11 the Environmental Protection Agency Pesticide
12 Assessment Guidelines, Subdivision D Series 60 to 64,
13 inclusive, for product chemistry and Subdivision N Series
14 161 to 164, inclusive, for environmental fate, including
15 information required for degradation products in specific
16 studies. With prior approval from the director, registrants
17 may use specified alternative protocols as permitted by
18 the ~~United States~~ Environmental Protection Agency
19 guidelines, if the director finds use of the protocol is
20 consistent with, and accomplishes the objectives of, this
21 article. Studies conducted on active ingredients in the
22 formulation of economic poisons shall meet the same
23 testing methods as required for studies conducted on
24 active ingredients. The department, in consultation with
25 the board, may, in addition, require specified testing
26 protocols that are specific to California soil and climatic
27 conditions. The director may give a pesticide registrant
28 an extension of up to two years if it determines that this
29 additional time is necessary and warranted to complete
30 the studies required in paragraph (6) of subdivision (a).
31 No extension of the deadline for these studies shall go
32 beyond December 1, 1989. When seeking the extension,
33 the registrant shall submit to the director a written report
34 on the current status of the dissipation studies for which
35 the extension is being sought. For registrants granted an
36 extension pursuant to this section, Section 13145 shall be
37 effective upon the completion date established by the
38 director.

39 (d) The director may grant the registrant an extension
40 beyond the one authorized in subdivision (c), if all of the

1 following conditions are met:

2 (1) The registrant submits a written request to the
3 director for an extension beyond the one granted
4 pursuant to subdivision (c). The request shall include the
5 reasons why the extension is necessary and the findings
6 produced by the study up to the time the request is made.

7 (2) The director finds that the registrant has made
8 every effort to complete the studies required in
9 paragraph (6) of subdivision (a) within the required time
10 limits of the extension granted pursuant to subdivision
11 (c) and that those studies could not be completed within
12 the required time limits due to circumstances beyond the
13 control of the registrant.

14 (3) The director establishes a final deadline, not to
15 exceed one year beyond the time limit of the extension
16 granted pursuant to subdivision (c), and a schedule of
17 progress by which the registrant shall complete the
18 studies required in paragraph (6) of subdivision (a).

19 (e) After December 1, 1986, no registration of any new
20 economic poison shall be granted unless the applicant
21 submits all of the information required by the director
22 pursuant to this article and the director finds that the
23 information meets the requirements of this article.

24 SEC. 54. Section 13144 of the Food and Agricultural
25 Code is amended to read:

26 13144. (a) Not later than December 1, 1986, the
27 department shall establish specific numerical values for
28 water solubility, soil adsorption coefficient (Koc),
29 hydrolysis, aerobic and anaerobic soil metabolism, and
30 field dissipation. The values established by the
31 department shall be at least equal to those established by
32 the Environmental Protection Agency. The department
33 may revise the numerical values when the department
34 finds that the revision is necessary to protect the
35 groundwater of the state. The numerical values
36 established or revised by the department shall always be
37 at least as stringent as the values being used by the
38 Environmental Protection Agency at the time the values
39 are established or revised by the department.

40 (b) Not later than December 1, 1987, and annually

1 thereafter, the director shall report the following
2 information to the Legislature, the ~~State Department of~~
3 ~~Health Services~~ *Office of Environmental Health Hazard*
4 *Assessment*, and the board for each economic poison
5 registered for agricultural use:

6 (1) A list of each active ingredient, other specified
7 ingredient, or degradation product of an active
8 ingredient of an economic poison for which there is a
9 groundwater protection data gap.

10 (2) A list of each economic poison that contains an
11 active ingredient, other specified ingredients, or
12 degradation product of an active ingredient which is
13 greater than one or more of the numerical values
14 established pursuant to subdivision (a), or is less than the
15 numerical value in the case of soil adsorption coefficient,
16 in both of the following categories:

17 (A) Water solubility or soil adsorption coefficient
18 (Koc).

19 (B) Hydrolysis, aerobic soil metabolism, anaerobic soil
20 metabolism, or field dissipation.

21 (3) For each economic poison listed pursuant to
22 paragraph (2) for which information is available, a list of
23 the amount sold in California during the most recent year
24 for which sales information is available and where and for
25 what purpose the economic poison was used, when this
26 information is available in the pesticide use report.

27 (c) The department shall determine, to the extent
28 possible, the toxicological significance of the degradation
29 products and other specified ingredients identified
30 pursuant to paragraph (2) of subdivision (b).

31 SEC. 55. Section 13148 of the Food and Agricultural
32 Code is amended to read:

33 13148. (a) In order to more accurately determine the
34 mobility and persistence of the economic poisons
35 identified pursuant to paragraph (2) of subdivision (b) of
36 Section 13144 and to determine if these economic poisons
37 have migrated to groundwaters of the state, the director
38 shall conduct soil and groundwater monitoring statewide
39 in areas of the state where the economic poison is
40 primarily used or where other factors identified pursuant

1 to Section 13143 and subdivision (b) of Section 13144,
2 including physicochemical characteristics and use
3 practices of the economic poisons, indicate a probability
4 that the economic poison may migrate to the
5 groundwaters of the state. The monitoring shall
6 commence within one year after the economic poison is
7 placed on the Groundwater Protection List and shall be
8 conducted in accordance with standard protocol and
9 testing procedures established pursuant to subdivision
10 (b). Monitoring programs shall replicate conditions
11 under which the economic poison is normally used in the
12 area of monitoring. In developing a monitoring program,
13 the director shall coordinate with other agencies that
14 conduct soil and groundwater monitoring.

15 (b) Within 90 days after an economic poison is placed
16 on the Groundwater Protection List pursuant to
17 subdivision (d) of Section 13145, the director, in
18 consultation with the board, shall develop a standard
19 protocol and testing procedure for each economic poison
20 identified pursuant to subdivision (d) of Section 13145.

21 (c) The director shall report all monitoring results to
22 the State Department of Health Services, *the Office of*
23 *Environmental Health Hazard Assessment*, and the
24 board.

25 SEC. 56. Section 13150 of the Food and Agricultural
26 Code is amended to read:

27 13150. The director may allow the continued
28 registration, sale, and use of an economic poison which
29 meets any one of the conditions specified in Section 13149
30 if all of the following conditions are met:

31 (a) The registrant submits a report and documented
32 evidence which demonstrate both of the following:

33 (1) That the presence in the soil of any active
34 ingredient, other specified ingredient, or degradation
35 product does not threaten to pollute the groundwaters of
36 the state in any region within the state in which the
37 economic poison may be used according to the terms
38 under which it is registered.

39 (2) That any active ingredient, other specified
40 ingredient, or degradation product that has been found

1 in groundwater has not polluted, and does not threaten
2 to pollute, the groundwater of the state in any region
3 within the state in which the economic poison may be
4 used according to the terms under which it is registered.

5 (b) A subcommittee of the director's pesticide
6 registration and evaluation committee, consisting of one
7 member each representing the director, the ~~State~~
8 ~~Department of Health Services~~ *Office of Environmental*
9 *Health Hazard Assessment*, and the board, holds a
10 hearing, within 180 days after it is requested by the
11 registrant, to review the report and documented
12 evidence submitted by the registrant and any other
13 information or data which the subcommittee determines
14 is necessary to make a finding.

15 (c) The subcommittee, within 90 days after the
16 hearing is conducted, makes any of the following findings
17 and recommendations:

18 (1) That the ingredient found in the soil or
19 groundwater has not polluted and does not threaten to
20 pollute the groundwaters of the state.

21 (2) That the agricultural use of the economic poison
22 can be modified so that there is a high probability that the
23 economic poison would not pollute the groundwaters of
24 the state.

25 (3) That modification of the agricultural use of the
26 economic poison pursuant to paragraph (2) or
27 cancellation of the economic poison will cause severe
28 economic hardship on the state's agricultural industry,
29 and that no alternative products or practices can be
30 effectively used so that there is a high probability that
31 pollution of the groundwater of the state will not occur.
32 The subcommittee shall recommend a level of the
33 economic poison that does not significantly diminish the
34 margin of safety recognized by the subcommittee to not
35 cause adverse health effects.

36 When the subcommittee makes a finding pursuant to
37 paragraph (2) or (3), it shall determine whether the
38 adverse health effects of the economic poison are
39 carcinogenic, mutagenic, teratogenic, or neurotoxic.

40 (d) The director, within 30 days after the

1 subcommittee issues its findings, does any of the
2 following:

3 (1) Concurs with the subcommittee finding pursuant
4 to paragraph (1) of subdivision (c) of Section 13149; .

5 (2) Concurs with the subcommittee finding pursuant
6 to paragraph (2) of subdivision (c) of Section 13149, and
7 adopts modifications that result in a high probability that
8 the economic poison would not pollute the groundwaters
9 of the state; .

10 (3) Concurs with the subcommittee findings pursuant
11 to paragraph (3) of subdivision (c), or determines that
12 the subcommittee finding pursuant to paragraph (2) of
13 subdivision (c) will cause severe economic hardship on
14 the state's agricultural industry. In either case, the
15 director shall adopt the subcommittee's recommended
16 level or shall establish a different level, provided the level
17 does not significantly diminish the margin of safety to not
18 cause adverse health effects.

19 (4) Determines that, contrary to the finding of the
20 subcommittee, no pollution or threat to pollution exists.
21 The director shall state the reasons for his or her decisions
22 in writing at the time any action is taken, specifying any
23 differences with the subcommittee's findings and
24 recommendations. The written statement shall be
25 transmitted to the appropriate committees of the Senate
26 and Assembly, the *State Department of Health Services*,
27 *the Office of Environmental Health Hazard Assessment*,
28 and the board.

29 When the director takes action pursuant to paragraph
30 (2) or (3), he or she shall determine whether the adverse
31 health effects of the economic poison are carcinogenic,
32 mutagenic, teratogenic, or neurotoxic.

33 SEC. 57. Section 14022 of the Food and Agricultural
34 Code is amended to read:

35 14022. (a) In consultation with the ~~State~~
36 ~~Department of Health Services~~ *Office of Environmental*
37 *Health Hazard Assessment* and the State Air Resources
38 Board, the director shall evaluate the health effects of
39 pesticides which may be or are emitted into the ambient
40 air of California and which may be determined to be a

1 toxic air contaminant which poses a present or potential
2 hazard to human health. Upon request of the State Air
3 Resources Board, the director shall include a pesticide for
4 evaluation.

5 (b) The director shall complete the evaluation of a
6 pesticide within 90 days after receiving the scientific data
7 specified in subdivision (c) from the ~~State Department~~
8 ~~of Health Services office~~ and the State Air Resources
9 Board. The director may extend the 90-day deadline for
10 a period not to exceed 30 days if the director transmits to
11 the Assembly Committee on Rules and the Senate
12 Committee on Rules, for transmittal to the appropriate
13 standing, select, or joint committee of the Legislature, a
14 statement of reasons for extension of the deadline.

15 (c) In conducting this evaluation, the director shall
16 consider all available scientific data, including, but not
17 limited to, relevant data provided by the ~~State~~
18 ~~Department of Health Services office~~, the Occupational
19 Safety and Health Division of the Department of
20 Industrial Relations, international and federal health
21 agencies, private industry, academic researchers, and
22 public health and environmental organizations. At the
23 request of the director, the State Air Resources Board
24 shall document the level of airborne emissions and the
25 ~~State Department of Health Services office~~ shall provide
26 an assessment of related health effects of pesticides which
27 may be determined to pose a present or potential hazard
28 and each agency shall provide technical assistance to the
29 department as it conducts its evaluation.

30 (d) The director may request, and any person shall
31 provide, information on any substance which is or may be
32 under evaluation and which is manufactured, distributed,
33 or used by the person to whom the request is made, in
34 order to carry out his or her responsibilities pursuant to
35 this chapter. Any person providing information pursuant
36 to this subdivision shall, at the request of the director,
37 identify that portion of the information submitted to the
38 department which is a trade secret and, upon the request
39 of the director, shall provide documentation to support
40 the claim of the trade secret. Information supplied which

1 is a trade secret, as specified in Section 6254.7 of the
2 Government Code, and which is so marked at the time
3 of submission shall not be released to the public by the
4 director, except in accordance with Section 1060 of the
5 Evidence Code and Section 21160 of the Public Resources
6 Code.

7 (e) The director shall give priority to the evaluation
8 and regulation of substances based on factors related to
9 the risk of harm to public health, amount or potential
10 amount of emissions, manner of usage of the pesticide in
11 California, persistence in the atmosphere, and ambient
12 concentrations in the community.

13 SEC. 58. Section 14023 of the Food and Agricultural
14 Code is amended to read:

15 14023. (a) Upon completion of the evaluation
16 conducted pursuant to Section 14022, the director shall,
17 in consultation and with the participation of the ~~State~~
18 ~~Department of Health Services~~ *Office of Environmental*
19 *Health Hazard Assessment*, prepare a report on the
20 health effects of the pesticide which may be determined
21 to be a toxic air contaminant which poses a present or
22 potential hazard to human health due to airborne
23 emission from its use. The report shall assess the
24 availability and quality of data on health effects, including
25 potency, mode of action, and other relevant biological
26 factors, of the substance. The report shall also contain an
27 estimate of the levels of exposure which may cause or
28 contribute to adverse health effects and, in the case
29 where there is no threshold of significant adverse health
30 effects, the range of risk to humans, resulting from
31 current or anticipated exposure. The report shall include
32 the findings of the ~~State Department of Health Services~~
33 *office*. The report shall be made available to the public,
34 subject to subdivision (d) of Section 14022.

35 (b) The report prepared pursuant to subdivision (a)
36 shall be formally reviewed by the scientific review panel
37 established according to Section 39670 of the Health and
38 Safety Code. The director shall also make available the
39 data deemed necessary to the scientific review panel,
40 according to departmental procedures established to

1 ensure confidentiality of proprietary information. The
2 panel shall review, as appropriate, the scientific data on
3 which the report is based, the scientific procedures and
4 methods used to support the data, and the conclusions
5 and assessments on which the report is based. The panel
6 shall submit its written findings to the director within 45
7 days after receiving the report, but it may petition the
8 director for an extension of the deadline, which may not
9 exceed 15 working days.

10 (c) If the scientific review panel determines that the
11 health effects report is seriously deficient, the report shall
12 be returned to the director who shall revise and resubmit
13 the report, within 30 days following receipt of the panel's
14 determination, to the panel prior to development of
15 emission control measures.

16 (d) Within 10 working days following receipt of the
17 findings of the scientific review panel pursuant to
18 subdivision (b), the director shall prepare a hearing
19 notice and a proposed regulation which shall include the
20 proposed determination as to whether a pesticide is a
21 toxic air contaminant. After conducting a public hearing
22 pursuant to Chapter 3.5 (commencing with Section
23 11340) of Part 1 of Division 3 of Title 2 of the Government
24 Code, the director shall list, by regulation, pesticides
25 determined to be toxic air contaminants.

26 (e) The director shall determine, in consultation with
27 the ~~State Department of Health Services~~ office, the State
28 Air Resources Board, and the air pollution control
29 districts or air quality management districts in the
30 affected counties, the need for and appropriate degree of
31 control measures for each pesticide listed as a toxic air
32 contaminant pursuant to subdivision (d). Any person
33 may submit written information for consideration by the
34 director in making determinations on control measures.

35 SEC. 59. Section 14027 of the Food and Agricultural
36 Code is amended to read:

37 14027. (a) Notwithstanding Section 12998, any
38 person who violates any rule or regulation, emission
39 limitation, or permit condition adopted pursuant to this
40 article is liable for a civil penalty not to exceed ten

1 thousand dollars (\$10,000) for each day in which the
2 violation occurs. In assessing a civil penalty under this
3 article, the court shall consider the appropriateness of the
4 penalty with respect to the following factors:

5 (1) The size of the business of the person being
6 charged.

7 (2) The gravity of the violation.

8 (3) The good faith of the person being charged.

9 (4) The history of previous violations.

10 Any money recovered under this section shall be paid
11 into the Department of ~~Food and Agriculture~~ *Pesticide*
12 *Regulation* Fund for use by the department in
13 administering this division and Division 6 (commencing
14 with Section 11401).

15 (b) Liability may be imposed under subdivision (a)
16 only if the department establishes that the violation was
17 caused by an act which was the result of intentional or
18 negligent conduct by the person accused of the violation.

19 SEC. 60. Section 14152 of the Food and Agricultural
20 Code is amended to read:

21 14152. Applications for a qualified applicator
22 certificate shall be in a form prescribed by the director.
23 Each application shall state the name and address of the
24 applicant and shall be accompanied by a fee of
25 twenty-five dollars (\$25). All certificates issued under
26 this chapter shall expire on December 31 of the year for
27 which they are issued. Certificates may be renewed
28 annually by the date of expiration by application in the
29 form prescribed by the director and upon payment of
30 fifteen dollars (\$15). A penalty of ten dollars (\$10) shall
31 be assessed against any applicant who applies for renewal
32 after the expiration date. These funds shall be deposited
33 in the State Treasury to the credit of the Department of
34 ~~Food and Agriculture~~ *Pesticide Regulation* Fund.

35 SEC. 61. Section 15201 of the Food and Agricultural
36 Code is amended to read:

37 15201. The Legislature hereby finds and declares that
38 it is the joint responsibility of the Department of ~~Food~~
39 ~~and Agriculture~~ *Pesticide Regulation*, the commissioner
40 of each county under the direction and supervision of the

1 director, and the Structural Pest Control Board to
2 regulate the activities of structural pest control licensees.
3 The Structural Pest Control Board has *the* responsibility
4 for licensing persons and companies engaged in
5 structural pest control work. The department has
6 primary responsibility for enforcing pesticide laws and
7 regulations.

8 SEC. 62. Section 29102 of the Food and Agricultural
9 Code is amended to read:

10 29102. (a) The ~~director~~ *Director of Pesticide*
11 *Regulation* shall adopt regulations necessary to minimize
12 the hazard to bees, while still providing for the
13 reasonable and necessary application of pesticides toxic
14 to bees to blossoming plants. The regulations may be
15 limited to specific blossoming plants.

16 (b) Regulations adopted pursuant to this section may
17 be applicable to either the entire state or specified areas
18 of the state. Regulations that are applicable to only
19 specified areas of the state shall include provisions for the
20 mandatory notice of movement of apiaries, including any
21 relocation thereof within the area to which the
22 regulations are applicable.

23 (c) The regulations may also include provisions for
24 timely notification of apiary owners of proposed pesticide
25 applications, and limitations on the time and method of
26 application of pesticides and the pesticides used.

27 SEC. 63. Section 55861.7 of the Food and Agricultural
28 Code is amended to read:

29 55861.7. Notwithstanding Section 55861.5, in addition
30 to the fee paid pursuant to Section 55861, each licensee
31 shall pay a 50 percent surcharge to the director, in a form
32 and manner prescribed by the director. This section shall
33 not apply to those licensees the department determines
34 should not be assessed due to the limited applicability of
35 Sections 12535, 12797, 12798, 12979, 13060, and 13061 of
36 this code or Section 26505.5 of the Health and Safety Code
37 to those licenses, or because substantial economic
38 hardship would result to individual licensees. Revenue
39 received pursuant to this section shall be deposited in the
40 Food Safety Account in the Department of ~~Food and~~

1 ~~Agriculture~~ *Pesticide Regulation* Fund. A penalty of 10
2 percent per month shall be added to any surcharge not
3 paid when due.

4 SEC. 64. Section 56571.7 of the Food and Agricultural
5 Code is amended to read:

6 56571.7. Notwithstanding Section 56571.5, in addition
7 to the fee paid pursuant to Section 56571, each licensee
8 shall pay a 50 percent surcharge to the director, in a form
9 and manner prescribed by the director. This section shall
10 not apply to those licensees the department determines
11 should not be assessed due to the limited applicability of
12 Sections 12535, 12797, 12798, 12979, 13060, and 13061 of
13 this code or Section 26505.5 of the Health and Safety Code
14 to those licenses, or because substantial economic
15 hardship would result to individual licensees. Revenue
16 received pursuant to this section shall be deposited in the
17 Food Safety Account in the Department of ~~Food and~~
18 ~~Agriculture~~ *Pesticide Regulation* Fund. A penalty of 10
19 percent per month shall be added to any surcharge not
20 paid when due.

21 SEC. 65. Section 78562 of the Food and Agricultural
22 Code is amended to read:

23 78562. The director may borrow funds, receive grants
24 of funds, or receive contract funds from the Local Marine
25 Fisheries Impact Program pursuant to subdivision (b) of
26 Section 35062 of the Public Resources Code, upon
27 approval of the Secretary ~~of for~~ Environmental ~~Affairs~~
28 *Protection*, or may borrow or receive grants of funds
29 from any person or entity in amounts that may be
30 reasonable and necessary to defray the initial expenses in
31 implementing this chapter. The council shall reimburse
32 the person or entity from any funds which are received
33 by the director pursuant to this article.

34 SEC. 66. Section 78563 of the Food and Agricultural
35 Code is amended to read:

36 78563. The director may accept contributions from
37 any source or may receive grants or contracts for funds
38 from the Secretary ~~of for~~ Environmental ~~Affairs~~
39 *Protection* pursuant to subdivision (b) of Section 35062 of
40 the Public Resources Code to advance the purposes of

1 this chapter. If requested by the donor, the contributions
2 shall be segregated and separately maintained for the use
3 of the council.

4 SEC. 67. Section 78579 of the Food and Agricultural
5 Code is amended to read:

6 78579. (a) Unless funds are otherwise provided by
7 the Secretary ~~of for~~ Environmental ~~Affairs~~ Protection
8 pursuant to subdivision (b) of Section 35062 of the Public
9 Resources Code, before the referendum vote is
10 conducted by the director, the proponents of the council
11 shall deposit with the director the amount that the
12 director determines is necessary to defray the expenses of
13 preparing the necessary lists and information and
14 conducting the referendum vote.

15 (b) Any funds not used in carrying out this article shall
16 be returned to the proponents of the council who
17 deposited the funds with the director.

18 (c) Upon the establishment of the council, the council
19 may reimburse the proponents of the council for any
20 funds deposited by the proponents with the director
21 which were used in carrying out this article, and for any
22 legal expenses and costs incurred in establishing the
23 council.

24 SEC. 68. Section 1322 of the Government Code is
25 amended to read:

26 1322. In addition to any other statutory provisions
27 requiring confirmation by the Senate of officers
28 appointed by the Governor, the appointments by the
29 Governor of the following officers and the appointments
30 by him *or her* to the listed boards and commissions are
31 subject to confirmation by the Senate:

- 32 (1) California Horse Racing Board.
- 33 (2) Certified Shorthand Reporters Board.
- 34 (3) Chief, Division of Occupational Safety and Health.
- 35 (4) Chief, Division of Labor Standards Enforcement.
- 36 (5) Commissioner of Corporations.
- 37 (6) Contractors State License Board.
- 38 (7) Director of Fish and Game.
- 39 (8) State Director of Health Services.
- 40 (9) Chief Deputy, State Department of Health

- 1 Services.
- 2 (10) Real Estate Commissioner.
- 3 (11) State Athletic Commissioner.
- 4 (12) State Board of Barber Examiners.
- 5 (13) State Librarian.
- 6 (14) Director of Social Services.
- 7 (15) Chief Deputy, State Department of Social
- 8 Services.
- 9 (16) Director of Mental Health.
- 10 (17) Chief Deputy, State Department of Mental
- 11 Health.
- 12 (18) Director of Developmental Services.
- 13 (19) Chief Deputy, State Department of
- 14 Developmental Services.
- 15 (20) Director of Alcohol and Drug Abuse.
- 16 (21) Director of Rehabilitation.
- 17 (22) Chief Deputy, Department of Rehabilitation.
- 18 (23) Director of the Office of Statewide Health
- 19 Planning and Development.
- 20 (24) Deputy, Health and Welfare Agency.
- 21 (25) *Director of Toxic Substances Control.*
- 22 (26) *Director of Pesticide Regulation.*
- 23 (27) *Director of Environmental Health Hazard*
- 24 *Assessment.*
- 25 SEC. 69. Section 6103.10 of the Government Code is
- 26 amended to read:
- 27 6103.10. Section 6103 does not apply to any fee or
- 28 charges required to be paid to the ~~State~~ Director of
- 29 ~~Health Services~~ *Toxic Substances Control* or to the State
- 30 Board of Equalization pursuant to Chapter 6.5
- 31 (commencing with Section 25100) of, and Chapter 6.8
- 32 (commencing with Section 25300) of, Division 20 of the
- 33 Health and Safety Code.
- 34 SEC. 70. Section 6253 of the Government Code is
- 35 amended to read:
- 36 6253. (a) Public records are open to inspection at all
- 37 times during the office hours of the state or local agency
- 38 and every person has a right to inspect any public record,
- 39 except as hereafter provided. Every agency may adopt
- 40 regulations stating the procedures to be followed when

1 making its records available in accordance with this
2 section.

3 The following state and local bodies shall establish
4 written guidelines for accessibility of records. A copy of
5 these guidelines shall be posted in a conspicuous public
6 place at the offices of these bodies, and a copy of the
7 guidelines shall be available upon request free of charge
8 to any person requesting that body's records:

- 9 Department of Motor Vehicles
- 10 Department of Consumer Affairs
- 11 Department of Transportation
- 12 Department of Real Estate
- 13 Department of Corrections
- 14 Department of the Youth Authority
- 15 Department of Justice
- 16 Department of Insurance
- 17 Department of Corporations
- 18 Secretary of State
- 19 State Air Resources Board
- 20 Department of Water Resources
- 21 Department of Parks and Recreation
- 22 San Francisco Bay Conservation and Development
23 Commission
- 24 State Board of Equalization
- 25 State Department of Health Services
- 26 Employment Development Department
- 27 State Department of Social Services
- 28 State Department of Mental Health
- 29 State Department of Developmental Services
- 30 State Department of Alcohol and Drug Abuse
- 31 Office of Statewide Health Planning and Development
- 32 Public Employees' Retirement System
- 33 Teachers' Retirement Board
- 34 Department of Industrial Relations
- 35 Department of General Services
- 36 Department of Veterans Affairs
- 37 Public Utilities Commission
- 38 California Coastal Commission
- 39 State Water Quality Control Board
- 40 San Francisco Bay Area Rapid Transit District

- 1 All regional water quality control boards
 2 Los Angeles County Air Pollution Control District
 3 Bay Area Air ~~Pollution Control~~ *Quality Management*
 4 District
 5 Golden Gate Bridge, Highway and Transportation
 6 District
 7 *Department of Toxic Substances Control*
 8 *Office of Environmental Health Hazard Assessment*
 9 (b) Guidelines and regulations adopted pursuant to
 10 this section shall be consistent with all other sections of
 11 this chapter and shall reflect the intention of the
 12 Legislature to make the records accessible to the public.
 13 The guidelines and regulations adopted pursuant to this
 14 section shall not operate to limit the hours public records
 15 are open for inspection as prescribed in subdivision (a).
 16 SEC. 71. Section 8574.9 of the Government Code is
 17 amended to read:
 18 8574.9. (a) The State Interagency Oil Spill
 19 Committee shall consist of all of the following persons:
 20 (1) The administrator named by the Governor
 21 pursuant to Section 8670.4.
 22 (2) The Chairpersons of the State Lands Commission
 23 and the California Coastal Commission, or their
 24 designees.
 25 (3) A designated representative from all of the
 26 following agencies:
 27 (A) The Office of Emergency Services.
 28 (B) The State Water Resources Control Board.
 29 (C) The Department of Justice.
 30 (D) The California Highway Patrol.
 31 (E) The California National Guard.
 32 (F) The Division of Oil and Gas in the Department of
 33 Conservation.
 34 (G) The ~~State Department of Health Services~~ *Toxic*
 35 *Substances Control*.
 36 (H) The Department of Transportation.
 37 (I) The Department of Parks and Recreation.
 38 (J) The Department of Water Resources.
 39 (K) The Department of Forestry and Fire Protection.
 40 (L) The State Fire Marshal.

1 (M) The California regional water quality control
2 boards (one representative).

3 (N) The Resources Agency.

4 (O) ~~The Office of Environmental Affairs California~~
5 *Environmental Protection Agency.*

6 (P) The California Conservation Corps.

7 (Q) *The Office of Environmental Health Hazard*
8 *Assessment.*

9 (b) The administrator shall be the chairperson of the
10 committee. The administrator shall ensure that
11 personnel serve as staff to the committee.

12 SEC. 72. Section 8574.21 of the Government Code is
13 amended to read:

14 8574.21. (a) Not later than one year after the
15 effective date of this article, the Office of Emergency
16 Services shall develop the curriculum to be used in classes
17 which meet the program requirements and shall adopt
18 standards and procedures for training instructors at the
19 California Specialized Training Institute.

20 (b) The curriculum for the training and education
21 program established pursuant to this article shall include
22 all of the following aspects of hazardous substance
23 incident response actions:

24 (1) First responder training.

25 (2) On-scene manager training.

26 (3) Hazardous substance incident response training
27 for management personnel.

28 (4) Hazardous materials specialist training that equals
29 or exceeds the standards of the National Fire Protection
30 Association.

31 (5) Environmental monitoring.

32 (6) Hazardous substance release investigations.

33 (7) Hazardous substance incident response activities
34 at ports.

35 (c) The Office of Emergency Services shall establish a
36 curriculum development advisory committee, which
37 shall consist of a representative from each of the
38 following agencies or organizations:

39 (1) The Office of Emergency Services.

40 (2) The Office of the State Fire Marshal.

- 1 (3) The State Department of Health Services Toxic
- 2 *Substances Control.*
- 3 (4) The Department of Fish and Game.
- 4 (5) The State Water Resources Control Board.
- 5 (6) The Department of the California Highway Patrol.
- 6 (7) The California Police Chiefs' Association.
- 7 (8) The California Fire Chiefs' Association.
- 8 (9) The Commission on Police Officer Standards and
- 9 Training.
- 10 (10) The California District Attorneys' Association.
- 11 (11) The Department of Forestry and Fire Protection.
- 12 (12) The Emergency Medical Services Authority.
- 13 (13) The Department of Transportation.
- 14 (14) The Environmental Protection Agency.
- 15 (15) The Chemical Industry Council of California.
- 16 (16) The California Manufacturers Association.
- 17 (17) The California Conference of Local Health
- 18 Officers.
- 19 (18) The University of California.
- 20 (19) The California State Fireman's Association.
- 21 (20) The California State University.
- 22 (21) The California Professional Firefighters.
- 23 (22) The California Association of Highway
- 24 Patrolmen.
- 25 (23) The California State Police Association.
- 26 (24) *The Office of Environmental Health Hazard*
- 27 *Assessment.*
- 28 (d) The curriculum development advisory committee
- 29 shall advise the Office of Emergency Services on the
- 30 development of course curricula and the standards and
- 31 procedures specified in subdivision (a). In advising the
- 32 Office of Emergency Services, the committee shall do the
- 33 following:
- 34 (1) Assist, and cooperate with, representatives of the
- 35 Board of Governors of the California Community
- 36 Colleges in developing the course curricula.
- 37 (2) Ensure that the curriculum developed pursuant to
- 38 this section is accredited by the State Board of Fire
- 39 Services.
- 40 (3) Define equivalent training and experience

1 considered as meeting the initial training requirements
2 as specified in subdivision (a) that existing employees
3 might have already received from actual experience or
4 formal education undertaken, and which would qualify as
5 meeting the requirements established pursuant to this
6 article.

7 (e) The representative from the Office of Emergency
8 Services shall serve as the chairperson of the curriculum
9 development advisory committee.

10 (f) After the course curricula and standards are
11 established pursuant to subdivision (a), the curriculum
12 development advisory committee shall meet at least once
13 each year to review the program and advise the Office of
14 Emergency Services on any required revisions.

15 (g) The Office of Emergency Services shall make the
16 curriculum development advisory committee a
17 subcommittee of the Curriculum Advisory Board of the
18 California Specialized Training Institute.

19 (h) This article does not affect the authority of the
20 State Fire Marshal granted pursuant to Section 13142.4 or
21 13159 of the Health and Safety Code.

22 (i) Upon completion of instructor training and
23 certification pursuant to subdivision (e) of Section
24 8574.20 by any employee of the Department of the
25 California Highway Patrol, the Commissioner of the
26 ~~Department of the~~ California Highway Patrol may deem
27 any training programs taught by that employee to be
28 equivalent to any training program meeting the
29 requirements established pursuant to this article.

30 SEC. 73. Section 11270 of the Government Code is
31 amended to read:

32 11270. As used in this article "administrative costs"
33 means the amounts expended by the Legislature,
34 Controller, Treasurer, the State Personnel Board, the
35 Department of General Services, the State Board of
36 Control, the State Department of Finance, the Office of
37 Administrative Law, the Department of Personnel
38 Administration, the Secretary of the State and Consumer
39 Services Agency, the Secretary of the Business,
40 Transportation and Housing Agency, the Secretary of the

1 Health and Welfare Agency, the Secretary of the
2 Resources Agency, *the Secretary for Environmental*
3 *Protection*, the Secretary of the Youth and Adult
4 Correctional Agency, and the California State Library,
5 and a proration of any other cost to or expense of the state
6 for services or facilities provided for the Legislature and
7 the above agencies, for supervision or administration of
8 the state government or for services to the various state
9 agencies.

10 SEC. 74. Section 11501 of the Government Code is
11 amended to read:

12 11501. (a) This chapter applies to any agency as
13 determined by the statutes relating to that agency.

14 (b) The enumerated agencies referred to in Section
15 11500 are:

16 Accountancy, State Board of
17 Air Resources Board, State
18 Alcohol and Drug Programs, State Department of
19 Alcoholic Beverage Control, Department of
20 Architectural Examiners, California State Board of
21 Attorney General
22 Auctioneer Commission, Board of Governors of
23 Automotive Repair, Bureau of
24 Barber Examiners, State Board of
25 Behavioral Science Examiners, Board of
26 Boating and Waterways, Department of
27 Cancer Advisory Council
28 Cemetery Board
29 Chiropractic Examiners, Board of
30 Collection and Investigative Services, Bureau of
31 Community Colleges, Board of Governors of the
32 California
33 Conservation, Department of
34 Consumer Affairs, Director of
35 Contractors, Registrar of
36 Corporations, Commissioner of
37 Cosmetology, State Board of
38 Dental Examiners of California, Board of
39 Education, State Department of
40 Electronic and Appliance Repair, Bureau of

- 1 Engineers and Land Surveyors, State Board of
- 2 Registration for Professional
- 3 Fair Employment and Housing Commission
- 4 Fair Political Practices Commission
- 5 Fire Marshal, State
- 6 Food and Agriculture, Director of
- 7 Forestry and Fire Protection, Department of
- 8 Funeral Directors and Embalmers, State Board of
- 9 Geologists and Geophysicists, State Board of
- 10 Registration for
- 11 Guide Dogs for the Blind, State Board of
- 12 Health Services, State Department of
- 13 Highway Patrol, Department of the California
- 14 Home Furnishings and Thermal Insulation, Bureau of
- 15 Horse Racing Board, California
- 16 Housing and Community Development, Department
- 17 of
- 18 Insurance Commissioner
- 19 Labor Commissioner
- 20 Landscape Architects, State Board of
- 21 Medical Board of California, Medical Quality Review
- 22 Committees and Examining Committees
- 23 Motor Vehicles, Department of
- 24 Nursing, Board of Registered
- 25 Nursing Home Administrators, Board of Examiners of
- 26 Optometry, State Board of
- 27 Osteopathic Examiners of the State of California, Board
- 28 of
- 29 *Pesticide Regulation, Department of*
- 30 Pharmacy, California State Board of
- 31 Public Employees' Retirement System, Board of
- 32 Administration of the
- 33 Real Estate, Department of
- 34 San Francisco, San Pablo and Suisun, Board of Pilot
- 35 Commissioners for the Bays of
- 36 Savings and Loan Commissioner
- 37 School Districts
- 38 Secretary of State, Office of
- 39 Shorthand Reporters Board, Certified
- 40 Social Services, State Department of

1 Statewide Health Planning and Development, Office
 2 of
 3 Structural Pest Control Board
 4 Tax Preparer Program, Administrator
 5 Teacher Credentialing, Commission on
 6 Teachers' Retirement System, State
 7 *Toxic Substances Control, Department of*
 8 Transportation, Department of, acting pursuant to the
 9 State Aeronautics Act
 10 Veterinary Medicine, Board of Examiners in
 11 Vocational Nurse and Psychiatric Technician
 12 Examiners of the State of California, Board of
 13 SEC. 75. Section 11501.5 of the Government Code is
 14 amended to read:
 15 11501.5. (a) The following state agencies shall
 16 provide language assistance at adjudicatory hearings
 17 pursuant to subdivision (d) of Section 11513:
 18 Agricultural Labor Relations Board
 19 State Department of Alcohol and Drug Abuse
 20 Athletic Commission
 21 California Unemployment Insurance Appeals Board
 22 Board of Prison Terms
 23 Board of Cosmetology
 24 State Department of Developmental Services
 25 Public Employment Relations Board
 26 Franchise Tax Board
 27 State Department of Health Services
 28 Department of Housing and Community
 29 Development
 30 Department of Industrial Relations
 31 State Department of Mental Health
 32 Department of Motor Vehicles
 33 Notary Public Section, office of the Secretary of State
 34 Public Utilities Commission
 35 Office of Statewide Health Planning and Development
 36 State Department of Social Services
 37 *Department of Toxic Substances Control*
 38 Workers' Compensation Appeals Board
 39 Department of the Youth Authority
 40 Youthful Offender Parole Board

- 1 Bureau of Employment Agencies
- 2 Board of Barber Examiners
- 3 Department of Insurance
- 4 State Personnel Board

5 (b) Nothing in this section shall be construed to
6 prevent any agency other than those listed in subdivision
7 (a) from electing to adopt any of the procedures set forth
8 in subdivision (d), (e), (f), (g), (h), or (i) of Section
9 11513, except that the State Personnel Board shall
10 determine the general language proficiency of
11 prospective interpreters as described in subdivisions (d)
12 and (e) of Section 11513 unless otherwise provided for as
13 described in subdivision (f) of Section 11513.

14 SEC. 76. Section 11550 of the Government Code is
15 amended to read:

16 11550. Effective January 1, 1988, an annual salary of
17 ninety-one thousand fifty-four dollars (\$91, 054) shall be
18 paid to each of the following:

- 19 (a) Director of Finance.
- 20 (b) Secretary of Business, Transportation and Housing
21 Agency.
- 22 (c) Secretary of Resources Agency.
- 23 (d) Secretary of Health and Welfare Agency.
- 24 (e) Secretary of State and Consumer Services Agency.
- 25 (f) Director of Industrial Relations.
- 26 (g) Commissioner of the California Highway Patrol.
- 27 (h) Secretary of Youth and Adult Correctional
28 Agency.
- 29 (i) Director of Food and Agriculture.
- 30 (j) *Secretary for Environmental Protection.*

31 The annual compensation provided by this section shall
32 be increased in any fiscal year in which a general salary
33 increase is provided for state employees. The amount of
34 the increase provided by this section shall be comparable
35 to, but shall not exceed, the percentage of the general
36 salary increases provided for state employees during that
37 fiscal year.

38 SEC. 77. Section 11552 of the Government Code is
39 amended to read:

40 11552. Effective January 1, 1988, an annual salary of

- 1 eighty-five thousand four hundred two dollars (\$85,402)
2 shall be paid to each of the following:
- 3 (a) Superintendent of Banks.
 - 4 (b) Commissioner of Corporations.
 - 5 (c) Insurance Commissioner.
 - 6 (d) Director of Transportation.
 - 7 (e) Real Estate Commissioner.
 - 8 (f) Savings and Loan Commissioner.
 - 9 (g) Director of Social Services.
 - 10 (h) Director of Water Resources.
 - 11 (i) Director of Corrections.
 - 12 (j) Director of General Services.
 - 13 (k) Director of Motor Vehicles.
 - 14 (l) Director of the Youth Authority.
 - 15 (m) Executive Officer of the Franchise Tax Board.
 - 16 (n) Director of Employment Development.
 - 17 (o) Director of Alcoholic Beverage Control.
 - 18 (p) Director of Housing and Community
19 Development.
 - 20 (q) Director of Alcohol and Drug Abuse.
 - 21 (r) Director of the Office of Statewide Health
22 Planning and Development.
 - 23 (s) Director of the Department of Personnel
24 Administration.
 - 25 (t) Chairperson and Member of the Board of
26 Equalization.
 - 27 (u) Director of Commerce.
 - 28 (v) State Director of Health Services.
 - 29 (w) Director of Mental Health.
 - 30 (x) Director of Developmental Services.
 - 31 (y) State Public Defender.
 - 32 (z) Director of the California State Lottery.
 - 33 (aa) Director of Fish and Game.
 - 34 (ab) Director of Parks and Recreation.
 - 35 (ac) Director of Rehabilitation.
 - 36 (ad) Director of Veterans Affairs.
 - 37 (ae) Director of Consumer Affairs.
 - 38 (af) Director of Forestry and Fire Protection.
 - 39 (ag) *Director of Toxic Substances Control.*
 - 40 (ah) *Director of Pesticide Regulation.*

1 (ai) *Director of Environmental Health Hazard*
2 *Assessment.*

3 The annual compensation provided by this section shall
4 be increased in any fiscal year in which a general salary
5 increase is provided for state employees. The amount of
6 the increase provided by this section shall be comparable
7 to, but shall not exceed, the percentage of the general
8 salary increases provided for state employees during that
9 fiscal year.

10 SEC. 78. Section 12800 of the Government Code is
11 amended to read:

12 12800. There are in the state government the
13 following agencies: State and Consumer Services;
14 Business, Transportation and Housing; *California*
15 *Environmental Protection*; Health and Welfare;
16 Resources; and Youth and Adult Correctional.

17 Whenever the term "Agriculture and Services
18 Agency" appears in any law, it means the "State and
19 Consumer Services Agency," and whenever the term
20 "Secretary of Agriculture and Services Agency" appears
21 in any law, it means the "Secretary of State and
22 Consumer Services Agency."

23 Whenever the term "Business and Transportation
24 Agency" appears in any law, it means the "Business,
25 Transportation and Housing Agency," and whenever the
26 term "Secretary of the Business and Transportation
27 Agency" appears in any law, it means the "Secretary of
28 the Business, Transportation and Housing Agency."

29 SEC. 79. Section 12805 of the Government Code is
30 amended to read:

31 12805. The Resources Agency consists of ~~the State Air~~
32 ~~Resources Board~~, the Colorado River Board, the State
33 Energy Resources Conservation and Development
34 Commission, ~~the State Water Resources Control Board~~
35 ~~and each California regional water quality control board~~,
36 the State Lands Commission, the Division of State Lands,
37 and the following departments: Conservation; Fish and
38 Game; Forestry and Fire Protection; Navigation and
39 Ocean Development; Parks and Recreation; and Water
40 Resources.

1 SEC. 80. Section 12812 is added to the Government
2 Code, to read:

3 12812. The California Environmental Protection
4 Agency consists of the State Air Resources Board, the
5 Office of Environmental Health Hazard Assessment, the
6 California Integrated Waste Management Board, the
7 State Water Resources Control Board, and each
8 California regional water quality control board, and the
9 following departments: Pesticide Regulation and Toxic
10 Substances Control.

11 SEC. 81. Section 12812.1 is added to the Government
12 Code, to read:

13 12812.1. The Governor may, with respect to the
14 California Environmental Protection Agency, appoint
15 not more than three deputies to the Secretary for
16 Environmental Protection. Each deputy secretary shall
17 hold office at the pleasure of the secretary, and shall
18 receive a salary fixed by the secretary with the approval
19 of the Department of Personnel Administration.

20 SEC. 82. Section 12855 of the Government Code is
21 amended to read:

22 12855. For the purpose of this chapter, "agency"
23 means the State and Consumer Services Agency, the
24 Health and Welfare Agency, ~~or the California~~
25 *Environmental Protection Agency*, the Resources
26 Agency, or the Youth and Adult Correctional Agency,
27 and "secretary" means the secretary of any such agency.
28 ~~The~~

29 *The* general powers of the Business, Transportation
30 and Housing Agency and its secretary are those specified
31 in Part 4.5 (commencing with Section 13975).

32 SEC. 83. Section 15378 of the Government Code is
33 amended to read:

34 15378. It shall be the direct responsibility of the
35 Secretaries of the Business, Transportation and Housing,
36 Health and Welfare, *California Environmental*
37 *Protection*, Resources, and State and Consumer Services
38 Agencies, and the heads of the independent agencies
39 subject to the provisions of this chapter to ensure that the
40 departments, commissions, boards, and other

1 administrative divisions within their agencies that issue
2 permits comply with the provisions of this chapter.

3 It shall further be the direct responsibility of the
4 secretaries and agency heads to adopt regulations
5 establishing an appeal process through which an
6 applicant can appeal directly to the secretary or agency
7 head for a timely resolution of any dispute arising from
8 a violation of the time periods required by this chapter.

9 The regulations shall provide for the full reimbursement
10 of any and all filing fees paid by a permit applicant whose
11 application was not processed within the time limits
12 adopted by an agency pursuant to this chapter, and
13 whose appeal to the secretary or agency head was
14 decided in the applicant's favor. The appeal shall be
15 decided in the applicant's favor if the state agency has
16 exceeded its established maximum time period for
17 issuance or denial of the permit and the agency has failed
18 to establish good cause for exceeding the time period
19 pursuant to subdivision (h) of Section 15376. Information
20 regarding the appeal process shall be included in the
21 permit application forms issued by the agency.

22 Secretaries and agency heads shall submit annual
23 reports, each January 31st, to the Governor and the
24 Legislature. The annual report shall include:

25 (a) The time periods required by this chapter for each
26 permit issued by their agency, specifying any
27 modifications or additions.

28 (b) The median, minimum, and maximum times for
29 processing permits, from receipt of the initial application
30 to the final permit decision, for each permit issued by
31 their agency.

32 (c) A description of the appeal process required by
33 this chapter and a summary of the number and
34 disposition of appeals received by the secretary or agency
35 head during the preceding year.

36 SEC. 84. Section 15397 of the Government Code is
37 amended to read:

38 15397. (a) There is within the Business,
39 Transportation and Housing Agency a Development
40 Review Panel consisting of five members as follows:

1 (1) The Secretary of the Business, Transportation and
2 Housing Agency, who shall serve as chairperson.

3 (2) The Secretary of the Resources Agency.

4 (3) The Secretary for Environmental ~~Affairs~~
5 *Protection*.

6 (4) One Member of the Senate, appointed by the
7 Senate Rules Committee.

8 (5) One Member of the Assembly, appointed by the
9 Speaker of the Assembly.

10 (b) The Members of the Senate and Assembly shall
11 meet with and, except as otherwise provided by the
12 Constitution, advise the panel to the extent that this
13 participation is not incompatible with their respective
14 positions as Members of the Legislature.

15 (c) All necessary staffing to carry out the panel's duties
16 and responsibilities shall be provided by the Department
17 of Commerce.

18 SEC. 85. Section 20017.86 of the Government Code is
19 amended to read:

20 20017.86. "State safety member" also includes all
21 persons in the Department of Alcoholic Beverage
22 Control, the Board of Prison Terms, the Department of
23 Consumer Affairs, the Department of Developmental
24 Services, the Department of Health Services, *the*
25 *Department of Toxic Substances Control*, the Horse
26 Racing Board, the Department of Industrial Relations,
27 the Department of Insurance, the Department of Mental
28 Health, the Department of Motor Vehicles, and the
29 Department of Social Services employed with the class
30 title of Special Investigator (Class Code 8553), Senior
31 Special Investigator (Class Code 8550), Investigator
32 Trainee (Class Code 8555) and Investigator Assistant
33 (Class Code 8554), Supervising Special Investigator I
34 (Class Code 8548), Supervising Special Investigator II
35 (Class Code 8547), and persons in the class of State Park
36 Ranger (Intermittent) (Class Code 0984) in the
37 Department of Parks and Recreation, which have been
38 designated as ~~Peace Officers~~ *peace officers* as defined in
39 Sections 830.2 and 830.3 of the Penal Code.

40 Any person employed in the above classifications in the

1 department indicated may elect, within 90 days of the
2 operative date of this section to remain subject to the
3 miscellaneous service retirement benefit by filing an
4 irrevocable notice of election with the board. A member
5 who so elects shall be subject to the reduced benefit
6 factors specified in Section 21251.13 of the Government
7 Code only for service also included in the federal system.

8 This section shall not become applicable to any
9 member included in a classification until such time as a
10 ruling or regulation authorizing the inclusion of persons
11 employed in that classification within the definition of
12 “policeman” is issued by the federal agency for purposes
13 of Section ~~218 (d) (5) (A)~~ 218(d) (5) (A) of the Social
14 Security Act.

15 SEC. 86. Section 20017.95 of the Government Code is
16 amended to read:

17 20017.95. “State peace officer/firefighter member”
18 means:

19 (a) All persons in the Board of Prison Terms, the
20 Department of Consumer Affairs, the Department of
21 Developmental Services, the Department of Health
22 Services, *the Department of Toxic Substances Control*,
23 the Horse Racing Board, the Department of Industrial
24 Relations, the Department of Insurance, the Department
25 of Mental Health, the Department of Motor Vehicles, the
26 Department of Social Services employed with the class
27 title of Special Investigator (Class Code 8553), Senior
28 Special Investigator (Class Code 8550), Investigator
29 Trainee (Class Code 8555), and Investigator Assistant
30 (Class Code 8554) which have been designated as peace
31 officers as defined in Sections 830.2 and 830.3 of the Penal
32 Code.

33 (b) All persons in the Department of Alcoholic
34 Beverage Control employed with the class title
35 Investigator Trainee, Alcohol Beverage Control (Class
36 Code 7553), Investigator I, Alcohol Beverage Control,
37 range A and B (Class Code 7554), and Investigator II,
38 Alcohol Beverage Control (Class Code 7555) who have
39 been designated as peace officers as defined in Sections
40 830.2 and 830.3 of the Penal Code.

1 (c) All persons within the Department of Justice who
2 are state employees as defined in subdivision (c) of
3 Section 3513 and who have been designated as peace
4 officers and performing investigative duties.

5 (d) All persons in the Department of Parks and
6 Recreation employed with the class title of Park Ranger
7 (Intermittent) (Class Code 0984) which have been
8 designated as peace officers as defined in Sections 830.2
9 and 830.3 of the Penal Code.

10 Any person so designated may elect, within 90 days of
11 notification by the board, to remain subject to the service
12 retirement benefit and normal rate of contribution
13 applicable prior to the effective date of this section by
14 filing an irrevocable notice of election with the board. A
15 member who so elects shall be subject to the reduced
16 benefit factors specified in Section 21251.13 only for
17 service also included in the federal system.

18 SEC. 87. Section 26509 of the Government Code is
19 amended to read:

20 26509. (a) Notwithstanding any other provision of
21 law, including any provision making such records
22 confidential, and including the provisions of Title 1.8
23 (commencing with Section 1798) of Part 4 of Division 3
24 of the Civil Code, the district attorney shall be given
25 access to, and may make copies of, any complaint against
26 a person subject to regulation by a consumer-oriented
27 state agency and any investigation of such a person made
28 by such an agency, where that person is being
29 investigated by the district attorney regarding possible
30 consumer fraud.

31 (b) Where the district attorney does not take action
32 with respect to such complaint or investigation, such
33 material shall remain confidential.

34 (c) Where the release of such material would
35 jeopardize an investigation or other duties of a
36 consumer-oriented state agency, such an agency shall
37 have discretion to delay the release of such information.

38 (d) As used in this section, a consumer-oriented state
39 agency is any state agency which regulates the licensure,
40 certification, or qualification of persons to practice a

- 1 profession or business within the state, where such
2 regulation is for the protection of consumers who deal
3 with such professionals or businesses. It includes, but is
4 not limited to, all of the following:
- 5 (1) The Board of Dental Examiners of California.
 - 6 (2) The Medical Board of California.
 - 7 (3) The State Board of Optometry.
 - 8 (4) The California State Board of Pharmacy.
 - 9 (5) The Board of Examiners in Veterinary Medicine.
 - 10 (6) The State Board of Accountancy.
 - 11 (7) The California State Board of Architectural
12 Examiners.
 - 13 (8) The State Board of Barber Examiners.
 - 14 (9) The State Board of Registration for Professional
15 Engineers.
 - 16 (10) The Contractors' State License Board.
 - 17 (11) The State Board of Cosmetology.
 - 18 (12) The State Board of Funeral Directors and
19 Embalmers.
 - 20 (13) The Structural Pest Control Board.
 - 21 (14) The Bureau of Home Furnishings and Thermal
22 Insulation.
 - 23 (15) The Board of Registered Nursing.
 - 24 (16) The State Board of Fabric Care.
 - 25 (17) The Board of Chiropractic Examiners.
 - 26 (18) The Board of Behavioral Science Examiners.
 - 27 (19) The State Athletic Commission.
 - 28 (20) The Cemetery Board.
 - 29 (21) The State Board of Guide Dogs for the Blind.
 - 30 (22) The Bureau of Collection and Investigative
31 Services.
 - 32 (23) The Certified Shorthand Reporters Board.
 - 33 (24) The Board of Vocational Nurse and Psychiatric
34 Technician Examiners of the State of California.
 - 35 (25) The California State Board of Landscape
36 Architects.
 - 37 (26) The Bureau of Repair Services.
 - 38 (27) The Bureau of Employment Agencies.
 - 39 (28) The Board of Osteopathic Examiners.
 - 40 (29) The Division of Investigation.

- 1 (30) The Bureau of Automotive Repair.
 2 (31) The State Board of Registration for Geologists and
 3 Geophysicists.
 4 (32) The State Board of Examiners of Nursing Home
 5 Administrators.
 6 (33) The Department of Alcoholic Beverage Control.
 7 (34) The Department of Insurance.
 8 (35) The Public Utilities Commission.
 9 (36) The State Department of Health Services.
 10 (37) The New Motor Vehicle Board.
 11 (38) *The Department of Toxic Substances Control.*
 12 (39) *The Office of Environmental Health Hazard*
 13 *Assessment.*
 14 SEC. 88. Section 65962.5 of the Government Code is
 15 amended to read:
 16 65962.5. (a) The ~~State~~ Department of ~~Health~~
 17 ~~Services~~ *Toxic Substances Control* shall compile and
 18 update as appropriate, but at least annually, and shall
 19 submit to the Secretary ~~of for~~ Environmental ~~Affairs~~
 20 *Protection*, a list of all of the following:
 21 (1) All hazardous waste facilities subject to corrective
 22 action pursuant to Section 25187.5 of the Health and
 23 Safety Code.
 24 (2) All land designated as hazardous waste property or
 25 border zone property pursuant to Article 11
 26 (commencing with Section 25220) of Chapter 6.5 of
 27 Division 20 of the Health and Safety Code.
 28 (3) All information received by the ~~State~~ Department
 29 of ~~Health Services~~ *Toxic Substances Control* pursuant to
 30 Section 25242 of the Health and Safety Code on hazardous
 31 waste disposals on public land.
 32 (4) All sites listed pursuant to Section 25356 of the
 33 Health and Safety Code.
 34 (5) All sites included in the Abandoned Site
 35 Assessment Program.
 36 ~~(6) A~~
 37 (b) *The State Department of Health Services shall*
 38 *compile and update as appropriate, but at least annually,*
 39 *and shall submit to the Secretary for Environmental*
 40 *Protection a list of all public drinking water wells which*

1 contain detectable levels of organic contaminants and
2 which are subject to water analysis pursuant to Section
3 4026.2 or 4026.3 of the Health and Safety Code.

4 ~~(b)~~

5 (c) The State Water Resources Control Board shall
6 compile and update as appropriate, but at least annually,
7 and shall submit to the Secretary ~~of~~ *for* Environmental
8 ~~Affairs~~ *Protection*, a list of all of the following:

9 (1) All underground storage tanks for which an
10 unauthorized release report is filed pursuant to Section
11 25295 of the Health and Safety Code.

12 (2) All solid waste disposal facilities from which there
13 is a migration of hazardous waste and for which a
14 California regional water quality control board has
15 notified the State Department of ~~Health Services~~ *Toxic*
16 *Substances Control* pursuant to subdivision (e) of Section
17 13273 of the Water Code.

18 (3) All cease and desist orders issued after January 1,
19 1986, pursuant to Section 13301 of the Water Code, and
20 all cleanup or abatement orders issued after January 1,
21 1986, pursuant to Section 13304 of the Water Code, which
22 concern the discharge of wastes which are hazardous
23 materials.

24 ~~(e)~~

25 (d) The local enforcement agency, as designated
26 pursuant to Section 18051 of Title 14 of the California
27 ~~Administrative Code~~ *of Regulations*, shall compile as
28 appropriate, but at least annually, and shall submit to the
29 California Integrated Waste Management Board, a list of
30 all solid waste disposal facilities from which there is a
31 known migration of hazardous waste. The California
32 Integrated Waste Management Board shall compile the
33 local lists into a statewide list which shall be submitted to
34 the Secretary ~~of~~ *for* Environmental ~~Affairs~~ *Protection*
35 and shall be available to any person who requests the
36 information.

37 ~~(d)~~

38 (e) The Secretary ~~of~~ *for* Environmental ~~Affairs~~ *Protection*
39 shall consolidate the information submitted
40 pursuant to this section and distribute it in a timely

1 fashion to each city and county in which sites on the lists
 2 are located. The secretary shall distribute the information
 3 to any other person upon request. The secretary may
 4 charge a reasonable fee to persons requesting the
 5 information, other than cities, counties, or cities and
 6 counties, to cover the cost of developing, maintaining,
 7 and reproducing and distributing the information.

8 ~~(e)~~

9 (f) Before a local agency accepts as complete an
 10 application for any development project which will be
 11 used by any person, the applicant shall consult the lists
 12 sent to the appropriate city or county and shall submit a
 13 signed statement to the local agency indicating whether
 14 the project is located on a site which is included on any
 15 of the lists compiled pursuant to this section. If the site is
 16 included on a list, the list shall be specified on the
 17 statement.

18 SEC. 89. Section 65963.1 of the Government Code is
 19 amended to read:

20 65963.1. Except as otherwise provided in Article 8.7
 21 (commencing with Section 25199) of Chapter 6.5 of
 22 Division 20 of the Health and Safety Code, this chapter
 23 applies to the making of a land use decision or the
 24 issuance of a permit for a hazardous waste facility project
 25 by a public agency, as defined in Section 25199.1 of the
 26 Health and Safety Code, including, but not limited to, all
 27 of the following actions:

28 (a) The approval of land use permits and conditional
 29 use permits, the granting of variances, the subdivision of
 30 property, and the modification of existing property lines
 31 pursuant to this division or Division 2 (commencing with
 32 Section 66410) of Title 7, and, for purposes of this chapter,
 33 "project" includes an activity requiring any of those
 34 actions.

35 (b) The issuance of hazardous waste facility permits
 36 by the ~~State Department of Health Services~~ *Toxic*
 37 *Substances Control* pursuant to Chapter 6.5
 38 (commencing with Section 25100) of Division 20 of the
 39 Health and Safety Code.

40 (c) The issuance of waste discharge requirements by

1 California regional water quality control boards pursuant
2 to Article 4 (commencing with Section 13260) of Chapter
3 4 of Division 7 of the Water Code.

4 (d) The issuance of authority to construct permits by
5 the district board of an air pollution control district or an
6 air quality management district pursuant to Division 26
7 (commencing with Section 39000) of the Health and
8 Safety Code.

9 (e) The issuance of solid waste facilities permits by the
10 enforcement agency pursuant to Article 2 (commencing
11 with Section 66796.30) of Chapter 3 of Title 7.3.

12 SEC. 90. Section 66799 of the Government Code is
13 amended to read:

14 66799. (a) Any business which advertises a household
15 toxic product intended for use by the general public shall
16 provide clear and reasonable warning that the product
17 should not be placed in the trash unless completely
18 empty, or poured down the drain.

19 (b) "Advertises" means mass-media advertisements
20 such as electronic media, print, outdoor, and direct mail,
21 but not including posters or displays in a retail store.

22 (c) "Clear and reasonable warning" may be provided
23 by general methods such as labels on household toxic
24 products, posting of notices, placing notices in public
25 news media, and similar methods. The warning may refer
26 to the specific product, or to household toxic products in
27 general. The warning shall notify consumers that they
28 may call the Department of ~~Health Service's~~ *Toxic*
29 *Substances Control's* toll-free number for information
30 about proper disposal of household toxic products, and
31 shall state the number.

32 SEC. 91. Section 66799.3 of the Government Code is
33 amended to read:

34 66799.3. The Department of ~~Health Services~~ *Toxic*
35 *Substances Control* shall issue regulations to implement
36 this ~~Article~~ *article*, including, but not limited to,
37 defining "household toxic products" (Section 66799),
38 defining the nature and quantity of warnings required
39 (Section 66799(c)) and defining small advertisers
40 (Section 66799.2).

1 SEC. 91.5. Section 452 of the Health and Safety Code
2 is amended to read:

3 452. The county health officer shall enforce and
4 observe in the unincorporated territory of his county, all
5 of the following:

6 (a) Orders and ordinances of the board of supervisors,
7 pertaining to the public health and sanitary matters.

8 (b) Orders, quarantine and other regulations, and
9 rules prescribed by the State Department of Health
10 Services *and the Department of Toxic Substances*
11 *Control*.

12 (c) Statutes relating to public health.

13 SEC: 92. Section 471 of the Health and Safety Code is
14 amended to read:

15 471. (a) Whenever a release, spill, escape, or entry
16 of waste occurs as described in paragraph (2) of
17 subdivision (b) of Section 470 and the director or the local
18 health officer reasonably determines the waste is a
19 ~~hazardous waste~~ or medical waste, or may become a
20 ~~hazardous waste~~ or medical waste because of a
21 combination ~~or reaction~~ with other substances or
22 materials, and the director or local health officer
23 reasonably determines that the release or escape is an
24 immediate threat to the public health, the director may
25 declare a health emergency and the local health officer
26 may declare a county health emergency in the county or
27 any area thereof affected by the threat to the public
28 health. ~~Whenever~~

29 (b) *Whenever a release, spill, escape, or entry of waste*
30 *occurs as described in paragraph (2) of subdivision (b) of*
31 *Section 470 and the Director of Toxic Substances Control*
32 *or the local health officer reasonably determines the*
33 *waste is a hazardous waste or may become a hazardous*
34 *waste because of a combination or reaction with other*
35 *substances or materials, and the Director of Toxic*
36 *Substances Control or local health officer reasonably*
37 *determines that the release or escape is an immediate*
38 *threat to the public health, the Director of Toxic*
39 *Substances Control may declare a health emergency and*
40 *the local health officer may declare a county health*

1 *emergency in the county or any area thereof affected by*
2 *the threat to the public health.*

3 (c) *Whenever a local health emergency is declared by*
4 *a local health officer pursuant to this section, the local*
5 *health emergency shall not remain in effect for a period*
6 *in excess of seven days unless it has been ratified by the*
7 *board of supervisors. The board of supervisors shall*
8 *review, at least every 14 days until the local health*
9 *emergency is terminated, the need for continuing the*
10 *local health emergency and shall proclaim the*
11 *termination of the local health emergency at the earliest*
12 *possible date that conditions warrant the termination.*

13 SEC. 93. Section 472 of the Health and Safety Code is
14 amended to read:

15 472. (a) After the declaration of a health emergency
16 or a county health emergency pursuant to Section 471,
17 the State Director of Health Services, *the Director of*
18 *Toxic Substances Control*, or *the local health officer* may
19 do any or all of the following:

20 (1) Require any information known to the person or
21 organization as the director or local health officer shall
22 specify relating to the properties, reactions, and identity
23 of the material which has been released, spilled, or
24 escaped to be furnished, under penalty of perjury, by the
25 person, company, corporation, or other organization
26 which had custody of such material, and, if the material
27 is being transferred or transported, from any person,
28 company, corporation, or other organization which
29 caused such material to be transferred or transported.
30 Such information shall be furnished to the director or
31 local health officer upon their request in sufficient detail,
32 as determined by the director or local health officer, to
33 take any action necessary to abate the health emergency
34 or county health emergency or protect the health of
35 persons in the county, or any area thereof, who are, or
36 may be affected. However, the burden, including costs, of
37 furnishing such information shall bear a reasonable
38 relationship to the need for such information and the
39 benefits to be obtained therefrom.

40 (2) Provide such information, or any necessary

1 portions thereof, or any other necessary information
2 available to the director or local health officer to state or
3 local agencies responding to the health emergency or
4 county health emergency or to medical and other
5 professional personnel treating victims of the local health
6 emergency.

7 (3) Sample, analyze, or otherwise determine the
8 identifying and other technical information relating to
9 the health emergency or county health emergency as is
10 necessary to respond to or abate the county health
11 emergency and protect the public health.

12 (b) The provisions of this section do not limit or
13 abridge any of the powers or duties granted to the State
14 Water Resources Control Board and to each regional
15 water quality control board by Division 7 (commencing
16 with Section 13000) of the Water Code. The provisions of
17 this section also do not limit or abridge the powers or
18 duties granted to the State Air Resources Board or to any
19 air pollution control district *or air quality management*
20 *district* by Division 26 (commencing with Section 39000).

21 The provisions of this section do not limit or abridge
22 any of the powers or duties granted to the Director of
23 Food and Agriculture or to any county agricultural
24 commissioner by Division 6 (commencing with Section
25 11401) or by Division 7 (commencing with Section 12501)
26 of the Food and Agricultural Code.

27 SEC. 93.5. Section 504 of the Health and Safety Code
28 is amended to read:

29 504. Each city health officer shall enforce and observe
30 all of the following:

31 (a) Orders and ordinances of the governing body of
32 the city pertaining to the public health.

33 (b) Orders, quarantine and other regulations, and
34 rules, concerning the public health, prescribed by the
35 state department *and the Department of Toxic*
36 *Substances Control*.

37 (c) Statutes relating to the public health.

38 SEC. 94. Section 2950 of the Health and Safety Code
39 is amended to read:

40 2950. Any physician and surgeon who knows, or has

1 reasonable cause to believe, that a patient is suffering
2 from pesticide poisoning or any disease or condition
3 caused by a pesticide shall promptly report ~~such~~ *that* fact
4 to the local health officer by telephone within 24 hours
5 and by a copy of the report required pursuant to
6 subdivision (a) of Section 6409 of the Labor Code within
7 seven days, except that the information which is available
8 to the physician and surgeon is all that is required to be
9 reported as long as reasonable efforts are made to obtain
10 such information.

11 Each local health officer shall immediately notify the
12 county agricultural commissioner and, at his or her
13 discretion, shall immediately notify the ~~state department~~
14 *Director of Environmental Health Hazard Assessment* of
15 each ~~such~~ report received and shall report to the
16 Director of ~~Food and Agriculture Pesticide Regulation,~~
17 the ~~State~~ Director of ~~Health Services~~ *Environmental*
18 *Health Hazard Assessment*, and the Director of Industrial
19 Relations, on a form prescribed by the ~~State~~ Director of
20 ~~Health Services~~ *Environmental Health Hazard*
21 *Assessment*, each case reported to him or her pursuant
22 to this section within seven days after receipt of any such
23 report.

24 The ~~state department~~ *Office of Environmental Health*
25 *Hazard Assessment* shall designate a phone number or
26 numbers for use by local health officers in the immediate
27 notification of the ~~state department~~ *office* of a pesticide
28 poisoning report. The ~~state department~~ *office* shall from
29 time to time establish criteria for use by the local health
30 officers in determining whether the circumstances of a
31 pesticide poisoning warrants the immediate notification
32 of the ~~state department~~ *office*.

33 In no case shall the treatment administered for
34 pesticide poisoning or a condition suspected as pesticide
35 poisoning be deemed to be first aid treatment.

36 Any physician and surgeon who fails to comply with the
37 reporting requirements of this section or any regulations
38 adopted pursuant to this section shall be liable for a civil
39 penalty of two hundred fifty dollars (\$250). For the
40 purposes of this section, failure to report a case of

1 pesticide poisoning involving one or more employees in
2 the same incident shall constitute a single violation. The
3 Division of Occupational Safety and Health of the
4 Department of Industrial Relations shall enforce these
5 provisions by issuance of a citation and notice of civil
6 penalty in a manner consistent with Section 6317 of the
7 Labor Code. Any physician and surgeon who receives a
8 citation and notice of civil penalty may appeal to the
9 Occupational Safety and Health Appeals Board in a
10 manner consistent with Section 6319 of the Labor Code.

11 Each local health officer shall maintain the ability to
12 receive and investigate reports of pesticide poisoning at
13 all times pursuant to Section 12982 of the Food and
14 Agricultural Code.

15 SEC. 95. Section 2950.1 of the Health and Safety Code
16 is amended to read:

17 2950.1. The ~~State Department of Health Services~~
18 *Office of Environmental Health Hazard Assessment* shall
19 develop and implement, in cooperation with local health
20 officers and state and local medical associations, a
21 program of medical education to alert physicians and
22 other health care professionals to the symptoms,
23 diagnosis, treatment, and reporting of pesticide
24 poisoning.

25 SEC. 96. Section 2952 of the Health and Safety Code
26 is amended to read:

27 2952. Any public employee, as defined in Section
28 811.4 of the Government Code, whose responsibilities
29 include matters relating to health and safety, protection
30 of the environment, or the use or transportation of any
31 pesticide and who knows, or has reasonable cause to
32 believe, that a pesticide has been spilled or otherwise
33 accidentally released, shall promptly notify the local
34 health officer or the notification point specified in the
35 local hazardous materials response plan, where such a
36 plan has been approved by the State Office of
37 Emergency Services and is in operation. The operator of
38 the notification point shall immediately notify the local
39 health officer of the pesticide spill report.

40 The local health officer shall immediately notify the

1 county agricultural commissioner and, at his or her
2 discretion, shall immediately notify the ~~state department~~
3 *Director of Environmental Health Hazard Assessment* of
4 each ~~such~~ report received. Within seven days after
5 receipt of any ~~such~~ report, the local health officer shall
6 notify the Director of ~~Food and Agriculture Pesticide~~
7 *Regulation*, the ~~State~~ Director of ~~Health Services~~
8 *Environmental Health Hazard Assessment*, and the
9 Director of Industrial Relations, on a form prescribed by
10 the ~~State~~ Director of ~~Health Services~~ *Environmental*
11 *Health Hazard Assessment*, of each case reported to him
12 or her pursuant to this section.

13 The ~~state department~~ *Office of Environmental Health*
14 *Hazard Assessment* shall designate a phone number or
15 numbers for use by local health officers in the immediate
16 notification of the ~~state department~~ *office* of a pesticide
17 spill report. The ~~state department~~ *office* shall from
18 time to time establish criteria for use by the local health
19 officers in determining whether the circumstances of a
20 pesticide spill warrants the immediate notification of the
21 ~~state department~~ *office*.

22 SEC. 97. Section 2952.1 of the Health and Safety Code
23 is amended to read:

24 2952.1. The ~~State~~ Director of ~~Health Services~~
25 *Environmental Health Hazard Assessment* shall maintain
26 a file of all the reporting forms received from local health
27 officers pursuant to Section 2952 of this code at the
28 repository of current data on toxic materials established
29 pursuant to Section 147.2 of the Labor Code. ~~Such~~ The
30 file shall be open to the public and shall be indexed at
31 least to the extent of the following:

32 (a) The county of the accidental release.

33 (b) The type of pesticide involved.

34 SEC. 98. Section 4023 of the Health and Safety Code
35 is amended to read:

36 4023. The ~~department~~ *Office of Environmental*
37 *Health Hazard Assessment* shall establish recommended
38 public health levels for contaminants in drinking water in
39 accordance with all of the following criteria:

40 (a) Recommended public health levels, including

1 those implementing the criteria set forth in subdivisions
2 (b) to (h), inclusive, shall be set at a level which does not
3 exceed the national primary drinking water standard
4 adopted by the ~~United States~~ Environmental Protection
5 Agency.

6 (b) Any recommended public health levels for an
7 acutely toxic substance shall be set at a level at which
8 scientific evidence indicates that no known or
9 anticipated adverse effects on health will occur, plus an
10 adequate margin of safety.

11 (c) Any recommended public health level established
12 for a carcinogen or other substance which may cause
13 chronic disease shall be based solely on health effects
14 without regard to cost impacts or other factors, and shall
15 be set at a level which the ~~department~~ office has
16 determined, based upon currently available data, does
17 not pose any significant risk to health.

18 (d) To the extent the information is available, the
19 ~~department~~ office shall consider possible synergistic
20 effects resulting from exposure to, or interaction by, two
21 or more contaminants.

22 (e) The ~~department~~ office shall consider the
23 existence of groups or individuals in the population which
24 are more susceptible to adverse effects of contaminants
25 than a normal healthy adult.

26 (f) The ~~department~~ office shall consider the
27 contaminant exposure and body burden levels which
28 alter physiological function or structure in a manner
29 which may significantly increase the risk of illness.

30 (g) In cases of scientific ambiguity, the ~~department~~
31 office shall use criteria most protective of public health
32 and shall incorporate safety factors of noncarcinogenic
33 substances for which generally accepted scientific
34 research indicates there is a safe dose-response threshold.

35 (h) The ~~department~~ office shall consider exposure to
36 contaminants in media other than drinking water,
37 including, but not limited to, exposures in food, in the
38 ambient and indoor air, and the resulting body burden.

39 (i) Recommended public health levels established by
40 the ~~department~~ office shall be reviewed periodically and

1 revised as necessary based upon the availability of new
2 scientific data.

3 SEC. 99. Section 11642 of the Health and Safety Code
4 is amended to read:

5 11642. (a) To the extent moneys are available
6 therefor, the Controller, in accordance with criteria and
7 procedures which shall be adopted by the Department of
8 Justice, may reimburse counties with a population under
9 1,250,000 for costs of prosecuting violations, attempts to
10 violate, or conspiracies to violate Section 11100, 11100.1,
11 11104, 11105, 11379.6, or 11383 initiated after January 1,
12 1987. Funding under this subdivision shall not exceed
13 twenty-five thousand dollars (\$25,000) for each
14 prosecution or joint prosecution assisted. All funds
15 allocated to a county under this subdivision shall be
16 distributed by it only to its prosecutorial agency, to be
17 used solely for investigation and prosecution of these
18 offenses. Funds distributed under this subdivision shall
19 not be used to supplant any local funds that would, in the
20 absence of this subdivision, be made available to support
21 the prosecutorial efforts of counties.

22 Cases wholly financed or reimbursed under any other
23 state or federal program including, but not limited to, the
24 Asset Forfeiture Program (Section 11489), the Major
25 Narcotic Vendors Prosecution Law (Section 13881 of the
26 Penal Code), or the California Career Criminal
27 Apprehension Program (Section 13851 of the Penal
28 Code), shall not be entitled to reimbursement under this
29 subdivision.

30 (b) To the extent moneys are available therefor, the
31 Controller, in accordance with criteria and procedures
32 which shall be adopted by the Department of Justice,
33 may reimburse counties with a population under
34 1,250,000 for law enforcement personnel expenses, not
35 exceeding ten thousand dollars (\$10,000) per case,
36 incurred in the investigation of violations, attempts to
37 violate, or conspiracies to violate Section 11100, 11100.1,
38 11104, 11105, 11379.6, or 11383 initiated after January 1,
39 1987. All funds allocated to a county under this
40 subdivision shall be distributed by it only to its law

1 enforcement agency to be used solely for investigation
2 and detection of these offenses. Funds distributed under
3 this subdivision shall not be used to supplant any local
4 funds that would, in the absence of this subdivision, be
5 made available to support the law enforcement efforts of
6 counties. Cases financed or reimbursed under any other
7 state or federal program, including, but not limited to,
8 the Asset Forfeiture Program, (Section 11489), the
9 California Career Criminal Apprehension Program
10 (Section 13851 of the Penal Code), or the federal Asset
11 Forfeiture Program (21 U.S.C. Sec. 881), shall not be
12 entitled to reimbursement under this subdivision.

13 (c) (1) To the extent moneys are available therefor,
14 the Controller, in accordance with criteria and
15 procedures which shall be adopted by the Department of
16 Justice, may reimburse counties with a population under
17 1,250,000 for costs incurred by, or at the direction of, state
18 or local law enforcement agencies to remove and dispose
19 of or store toxic waste from the sites of laboratories used
20 for the unlawful manufacture of a controlled substance.

21 (2) The local law enforcement agency or Department
22 of Justice shall notify the local health officer within 24
23 hours of the seizure of a laboratory used for the unlawful
24 manufacture of a controlled substance. The local health
25 officer shall *do either of the following*:

26 (A) Make a determination as to whether the site poses
27 an immediate threat to public health and safety ; and , if
28 so, shall undertake immediate corrective action.

29 (B) Notify the ~~State~~ Department of ~~Health Services~~
30 *Toxic Substances Control*.

31 As used in this section, "counties" includes any city
32 within a county with a population of less than 1,250,000.

33 The Department of Justice may adopt emergency
34 regulations consistent with this section and the
35 Administrative Procedure Act.

36 SEC. 100. Section 25111 of the Health and Safety
37 Code is amended to read:

38 25111. "Department" means the ~~State~~ Department
39 of ~~Health Services~~ *Toxic Substances Control*.

40 SEC. 101. Section 25112 of the Health and Safety

1 Code is amended to read:

2 25112. "Director" means the ~~State~~ Director of
3 ~~Health Services Toxic Substances Control~~.

4 SEC. 101.4. Section 25149 of the Health and Safety

5 Code is amended to read:

6 25149. (a) Notwithstanding any other provision of
7 law, except as provided in Section 25149.5 or 25181 of this
8 code or Section 731 of the Code of Civil Procedure, no
9 city or county, whether chartered or general law, or
10 district may enact, issue, enforce, suspend, revoke, or
11 modify any ordinance, regulation, law, license, or permit
12 relating to an existing hazardous waste facility so as to
13 prohibit or unreasonably regulate the disposal,
14 treatment, or recovery of resources from hazardous
15 waste or a mix of hazardous and solid wastes at that
16 facility, unless, after public notice and hearing, the
17 director determines that the operation of the facility may
18 present an imminent and substantial endangerment to
19 health and the environment. However, nothing in this
20 section authorizes an operator of that facility to violate
21 any term or condition of a local land use permit or any
22 other provision of law not in conflict with this section.

23 (b) The director shall, pursuant to subdivision (c),
24 conduct the hearing specified in subdivision (a) to
25 determine whether the operation of an existing
26 hazardous waste facility may present an imminent and
27 substantial endangerment to health and the environment
28 whenever any of the following occurs:

29 (1) A state or federal public agency requires any
30 person to evacuate a residence or requires the evacuation
31 of a school, place of employment, commercial
32 establishment, or other facility to which the public has
33 access, because of the release of a hazardous substance
34 from the facility.

35 (2) For more than five days in any month, the air
36 emissions from the facility result in the violation of an
37 emission standard for a hazardous air pollutant
38 established pursuant to Section 7412 of Title 42 of the
39 United States Code or the threshold exposure level for a
40 toxic air contaminant, as defined in Section 39655.

1 (3) A state or federal public agency requires that the
2 use of a source of drinking water be discontinued because
3 of the contamination of the source by a release of
4 hazardous waste, hazardous substances, or leachate from
5 the facility.

6 (4) A state agency, or the board of supervisors of the
7 county in which the facility is located, upon
8 recommendation of its local health officer, makes a
9 finding that the public health has been affected by a
10 release of hazardous wastes from the facility. The finding
11 shall be based on statistically significant data developed
12 in a health effects study conducted according to a study
13 design, and using a methodology, which are developed
14 after considering the suggestions on study design and
15 methodology made by interested parties and which are
16 approved by the Epidemiological Studies Section in the
17 Epidemiology and Toxicology Branch of the ~~department~~
18 *State Department of Health Services* before beginning
19 the study.

20 (5) The owner or operator of the facility is in violation
21 of an order issued pursuant to Section 25187 which
22 requires one or both of the following:

23 (A) The correction of a violation or condition that has
24 resulted, or threatens to result, in an unauthorized
25 release of hazardous waste or a constituent of hazardous
26 waste from the facility into either the onsite or offsite
27 environment.

28 (B) The cleanup of a release of hazardous waste or a
29 constituent of hazardous waste, the abatement of the
30 effects of the release, and any other necessary remedial
31 action.

32 (6) The facility is in violation of an order issued
33 pursuant to Article 1 (~~commencing~~ *commencing* with
34 Section 13300) of, or Article 2 (~~commencing~~ with Section
35 13320) of, Chapter 5 of Division 7 of the Water Code or
36 in violation of a temporary restraining order, preliminary
37 injunction, or permanent injunction issued pursuant to
38 Article 4 (~~commencing~~ with Section 13340) of Chapter 5
39 of Division 7 of the Water Code.

40 (c) Whenever the director determines that a hearing

1 is required, as specified in subdivision (b), the director
2 shall immediately request the Office of Administrative
3 Hearings to assign a hearing officer to conduct the
4 hearing, pursuant to this subdivision.

5 (1) After a hearing officer is assigned by the Office of
6 Administrative Hearings, the director shall transmit to
7 the hearing officer and to the operator of the existing
8 hazardous waste facility, all relevant documents,
9 information, and data that were the basis for the
10 director's determination. The director shall also prepare
11 a notice specifying the time and place of the hearing. The
12 notice shall also include a clear statement of the reasons
13 for conducting the hearing, a description of the facts,
14 data, circumstances, or occurrences that are the cause for
15 conducting the hearing, and the issues to be addressed at
16 the hearing. The hearing shall be held as close to the
17 location of the existing hazardous waste facility as is
18 practicable and shall commence no later than 30 days
19 following the director's request to the Office of
20 Administrative Hearings to assign a hearing officer to the
21 case.

22 (2) The hearing specified in paragraph (1) shall be
23 conducted in accordance with Sections 11510 to 11513,
24 inclusive, and Section 11525, of the Government Code.
25 The hearing officer's proposed decision shall be
26 transmitted to the director within 30 days after the case
27 is submitted.

28 (3) The director may adopt the proposed decision of
29 the hearing officer in its entirety or may decide the case
30 upon the record, as provided in Section 11517 of the
31 Government Code. The director's decision shall be in
32 writing and shall contain findings of fact and a
33 determination of the issues presented. The decision is
34 subject to judicial review in accordance with Section
35 11523 of the Government Code.

36 SEC. 101.5. Section 25150 of the Health and Safety
37 Code is amended to read:

38 25150. (a) The department shall adopt, and revise
39 when appropriate, standards and regulations for the
40 management of hazardous wastes to protect against

1 hazards to the public health, to domestic livestock, to
2 wildlife, or to the environment.

3 (b) The department shall apply the standards and
4 regulations adopted pursuant to subdivision (a) to the
5 management of hazardous waste.

6 (c) Except as provided in subdivision (d), the
7 department may limit the application of the standards
8 and regulations adopted or revised pursuant to
9 subdivision (a) at facilities operating pursuant to a
10 hazardous waste facilities permit in any manner which
11 the department determines to be appropriate, including,
12 but not limited to, requiring these facilities to apply for,
13 and receive, a permit modification prior to the
14 application of the standards and regulations.

15 (d) The department shall not adopt or revise
16 standards and regulations which result in the imposition
17 of any requirements for the management of a RCRA
18 waste which is less stringent than a corresponding
19 requirement adopted by the Environmental Protection
20 Agency pursuant to the Resource Conservation and
21 Recovery Act of 1976, as amended (42 U.S.C. Sec. 6901 et
22 seq.).

23 (e) The department shall adopt, and revise when
24 appropriate, regulations for the recycling of hazardous
25 waste to protect against hazards to the public health,
26 domestic livestock, wildlife, or to the environment and to
27 encourage the best use of natural resources.

28 (f) Before the adoption of regulations, the department
29 shall notify all agencies of interested local governments,
30 including, but not limited to, local governing bodies, local
31 planning agencies, local health authorities, local building
32 inspection departments, the Department of ~~Food and~~
33 ~~Agriculture~~ *Pesticide Regulation*, the Department of the
34 California Highway Patrol, the Department of Fish and
35 Game, the Department of Industrial Relations, the
36 Division of Industrial Safety, the State Air Resources
37 Board, the State Water Resources Control Board, the
38 State Fire Marshal, regional water quality control boards,
39 the State Building Standards Commission, and the
40 California Integrated Waste Management Board.

1 SEC. 102. Section 25167.3 of the Health and Safety
2 Code is amended to read:

3 25167.3. It is the intent of the Legislature that this
4 article preempt all local regulations and all conflicting
5 state regulations concerning the transportation of
6 hazardous waste, including all inspection, licensing, and
7 registration of trucks, trailers, semitrailers, vacuum tanks,
8 cargo tanks, and containers used to transport all types of
9 hazardous wastes. No state agency, city, city and county,
10 county, or other political subdivision of this state,
11 including, but not limited to, a chartered city, city and
12 county, or county, shall adopt or enforce any ordinance
13 or regulation which is inconsistent with the rules and
14 regulations adopted by the ~~State~~ Department of ~~Health~~
15 ~~Services~~ *Toxic Substances Control*, the Department of
16 the California Highway Patrol, or the State Fire Marshal
17 pursuant to this article.

18 SEC. 103. Section 25168.1 of the Health and Safety
19 Code is amended to read:

20 25168.1. The ~~department~~ *Department of Toxic*
21 *Substances Control* shall adopt regulations for containers
22 used to transport hazardous wastes not covered or
23 packaged as required by federal regulations ~~contained~~
24 Title 49 of the Code of Federal Regulations. The
25 Department of the California Highway Patrol shall
26 conduct an annual inspection of every truck, trailer,
27 semitrailer, vacuum tank, cargo tank, or container used
28 by registered waste haulers to transport hazardous waste
29 on the highways, and every related maintenance facility
30 or terminal and any records of registered waste haulers
31 relating to vehicle maintenance and drivers' hours of
32 service. The inspection shall be designed to determine if
33 each vehicle and operation thereof complies with the
34 Vehicle Code and with regulations adopted by the
35 *Department of the California* Highway Patrol under
36 subdivisions (a) and (b) of Section 34501 of the Vehicle
37 Code, and by the ~~State~~ Department of ~~Health Services~~
38 *Toxic Substances Control* for containers used to haul
39 hazardous waste. The Department of the California
40 Highway Patrol shall determine whether the

1 construction, design, equipment, and safety features of
2 every such truck, trailer, semitrailer, vacuum tank, cargo
3 tank, or container are in compliance with the standards
4 which the ~~department~~ *Department of Toxic Substances*
5 *Control* determines are necessary for the safe
6 transportation of hazardous waste.

7 SEC. 104. Section 25169.1 of the Health and Safety
8 Code is amended to read:

9 25169.1. (a) The *Department of the California*
10 *Highway Patrol* shall inspect every truck, trailer,
11 semitrailer, vacuum tank, cargo tank, or container used to
12 transport hazardous waste on the highways at least once
13 a year to ascertain whether its construction, design,
14 equipment and safety features comply with the
15 regulations promulgated by the ~~State~~ *Department of*
16 ~~Health Services~~ *Toxic Substances Control* pursuant to
17 Section 25168.1.

18 (b) No person shall transport hazardous waste on
19 streets and highways within the State of California, unless
20 the truck, trailer, semitrailer, vacuum tank, cargo tank, or
21 container in which the hazardous waste is being
22 transported displays a certificate of compliance, issued by
23 the ~~State~~ *Department of Health Services Toxic*
24 *Substances Control*, showing that the vehicle has been
25 inspected within the last 12 months.

26 (c) For the purposes of this section, "container"
27 means any portable tank or bin which has a capacity
28 greater than 110 U.S. gallons.

29 SEC. 105. Section 25197.2 of the Health and Safety
30 Code is amended to read:

31 25197.2. (a) The department shall establish a
32 statewide Hazardous Waste Strike Force which shall
33 consist of a representative from each of the following
34 agencies:

- 35 (1) The Department of Transportation.
- 36 (2) The Department of Industrial Relations.
- 37 (3) The Department of Food and Agriculture.
- 38 (4) The State Water Resources Control Board.
- 39 (5) The State Air Resources Board.
- 40 (6) The Department of the California Highway Patrol.

1 (7) The State Fire Marshal.

2 (8) The California *Integrated Waste Management*
3 *Board*.

4 (9) The Department of Fish and Game.

5 (10) The Department of Forestry *and Fire*
6 *Protection*.

7 (11) The Office of Emergency Services.

8 (12) The ~~State~~ Department of ~~Health Services~~ *Toxic*
9 *Substances Control*.

10 (13) The Attorney General.

11 (14) *The Department of Pesticide Regulation*.

12 (b) The director, or the director's designee, shall
13 direct and coordinate the activities of the Hazardous
14 Waste Strike Force.

15 (c) The Hazardous Waste Strike Force shall do all of
16 the following:

17 (1) Recommend standardized programs among the
18 agencies represented on the Hazardous Waste Strike
19 Force for the purposes of uniformly enforcing state
20 hazardous waste statutes and regulations and reporting
21 violators of these statutes and regulations.

22 (2) Recommend programs to publicize and improve
23 the statewide telephone number established pursuant to
24 paragraph (5) of subdivision (b) of Section 25197.1.

25 (3) Recommend local and regional programs to report
26 information concerning violations of this chapter and any
27 other hazardous waste statutes and regulations.

28 SEC. 106. Section 25199.10 of the Health and Safety
29 Code is amended to read:

30 25199.10. (a) If an appeal is filed pursuant to
31 subdivision (b), (d), or (e) of Section 25199.9, or
32 paragraph (3) of subdivision (c) of Section 25199.9, the
33 Governor or the Governor's designee shall determine
34 within five working days whether the proponent has
35 obtained all permits for the specified hazardous waste
36 facility project which can be obtained before
37 construction from those responsible agencies which are
38 state agencies, and which were obtainable when the
39 appeal was filed. If, because the application for the appeal
40 is incomplete, the Governor or the Governor's designee

1 is unable to determine, within five working days,
2 whether or not the appeal board should be convened, the
3 Governor or the Governor's designee shall return the
4 application for appeal to the proponent or interested
5 party who filed the appeal. The proponent or interested
6 party shall resubmit the completed application for an
7 appeal within 20 calendar days after receiving the
8 returned appeal and if the proponent or interested party
9 fails to do so, the Governor or the Governor's designee
10 shall not reconsider whether to convene an appeal board.

11 (b) If the Governor or the Governor's designee
12 determines, pursuant to subdivision (a), that the
13 proponent has obtained all permits for the specified
14 hazardous waste facility project which can be obtained
15 before construction from those responsible agencies
16 which are state agencies, or if an appeal is filed pursuant
17 to paragraph (1) of subdivision (c) of Section 25199.9, the
18 Governor or the Governor's designee shall convene an
19 appeal board within 30 days after making that
20 determination or receiving that appeal, by requesting the
21 League of California Cities and the County Supervisors
22 Association of California to each nominate persons for
23 appointment to an appeal board, as specified in
24 paragraphs (6) and (7) of subdivision (c).

25 (c) An appeal board shall consist of seven members,
26 five of whom shall be the members listed in paragraphs
27 (1) to (5), inclusive, and two of whom shall be separately
28 appointed for each particular appeal, as provided in
29 paragraphs (6) and (7). An appeal board shall consist of
30 the following members:

31 (1) The State Director of ~~Health Services~~ *Toxic*
32 *Substances Control*.

33 (2) The Chairperson of the State Air Resources Board.

34 (3) The Chairperson of the State Water Resources
35 Control Board.

36 (4) A member of a county board of supervisors
37 appointed by the Senate Committee on Rules who shall
38 be selected from the persons nominated by the County
39 Supervisors Association of California. The appointment
40 shall be for a period of four years, but shall terminate

1 earlier if the appointee does not continue in office as a
2 member of a board of supervisors.

3 (5) A member of a city council appointed by the
4 Speaker of the Assembly who shall be selected from the
5 persons nominated by the League of California Cities.
6 The appointment shall be for a period of four years, but
7 shall terminate earlier if the appointee does not continue
8 in office as a member of a city council.

9 (6) A member of a county board of supervisors
10 appointed by the Speaker of the Assembly who shall be
11 selected from the persons nominated by the County
12 Supervisors Association of California. The member shall
13 be from the county in which the specified hazardous
14 waste facility project which is the subject of the appeal is
15 located. However, if the member appointed pursuant to
16 paragraph (4) is from the county in which the specified
17 hazardous waste facility project is located, the member
18 appointed pursuant to this paragraph shall not be from
19 that same county. If the appointee appointed pursuant to
20 this paragraph does not continue in office as a member
21 of a board of supervisors for the duration of the appeal for
22 which the appointment was made, the appointment shall
23 terminate and a new appointment shall be made.

24 (7) A member of a city council appointed by the
25 Senate Committee on Rules who shall be selected from
26 the persons nominated by the League of California Cities.
27 The member shall be from the city in which the specified
28 hazardous waste facility project which is the subject of
29 the appeal is located, or from the city which the Governor
30 or the Governor's designee determines to be the most
31 directly affected by the project if the project is not
32 located in a city. However, if the member appointed
33 under paragraph (5) is from a city in the county in which
34 the specified hazardous waste facility project is located,
35 the member appointed under this paragraph shall be
36 from a city in a different county. If the appointee
37 appointed pursuant to this paragraph does not continue
38 in office as a member of a city council for the duration of
39 the appeal for which the appointment was made, the
40 appointment shall terminate and a new appointment

1 shall be made.

2 (d) The appeal board shall issue the final decision
3 upon an appeal in writing and the members of the appeal
4 board shall sign the decision.

5 (e) The ~~State~~ Director of ~~Health Services Toxic~~
6 ~~Substances Control~~, the Chairperson of the State Air
7 Resources Board, and the Chairperson of the State Water
8 Resources Control Board may designate an alternate to
9 attend any meetings or hearings of an appeal board in
10 that person's place, except that the alternate may not
11 vote on a final decision on an appeal or sign the written
12 decision in place of the person for whom the person
13 serves as alternate.

14 (f) The Governor or the Governor's designee shall
15 designate staff to serve the appeal board.

16 SEC. 107. Section 25201.2 of the Health and Safety
17 Code is amended to read:

18 25201.2. Any operator of a treatment facility, waste
19 transfer station, waste storage area, resource recovery
20 facility, or waste disposal site or any other person who
21 accepts hazardous waste from a vacuum truck, trailer,
22 semitrailer, or container failing to display a valid
23 certificate of compliance as provided in Section 25168.3,
24 shall report the incident to the ~~State~~ Department of
25 ~~Health Services Toxic Substances Control~~, as required by
26 the department.

27 SEC. 108. Section 25281 of the Health and Safety
28 Code is amended to read:

29 25281. For purposes of this chapter, the following
30 definitions apply:

31 (a) "Automatic line leak detector" means any method
32 of leak detection, as determined in regulations adopted
33 by the board, which alerts the owner or operator of an
34 underground storage tank to the presence of a leak.
35 "Automatic line leak detector" includes, but is not
36 limited to, any device or mechanism which alerts the
37 owner or operator of an underground storage tank to the
38 presence of a leak by restricting or shutting off the flow
39 of hazardous substance through piping, or by triggering
40 an audible or visual alarm, and which detects leaks of

1 three gallons or more per hour at 10 pounds per square
2 inch line pressure within one hour.

3 (b) "Board" means the State Water Resources Control
4 Board. "Regional board" means a California regional
5 water quality control board.

6 (c) "Department" means the ~~State~~ Department of
7 ~~Health Services~~ *Toxic Substances Control*.

8 (d) "Facility" means any one, or combination of,
9 underground storage tanks used by a single business
10 entity at a single location or site.

11 (e) "Federal act" means Subchapter IX (commencing
12 with Section 6991) of Chapter 82 of Title 42 of the United
13 States Code, as added by the Hazardous and Solid Waste
14 Amendments of 1984 (P.L. 98-616), or as it may
15 subsequently be amended or supplemented.

16 (f) "Hazardous substance" means both of the
17 following:

18 (1) All of the following liquid and solid substances,
19 unless the department, in consultation with the board,
20 determines that the substance could not adversely affect
21 the quality of the waters of the state:

22 (A) Substances on the list prepared by the Director of
23 Industrial Relations pursuant to Section 6382 of the Labor
24 Code.

25 (B) Hazardous substances, as defined in Section 25316.

26 (C) Any substance or material which is classified by
27 the National Fire Protection Association (NFPA) as a
28 flammable liquid, a class II combustibile liquid, or a class
29 III-A combustibile liquid.

30 (2) Any regulated substance, as defined in subsection
31 (2) of Section 6991 of Title 42 of the United State Code,
32 as that section reads on January 1, 1989, or as it may
33 subsequently be amended or supplemented.

34 (g) "Local agency" means the department, office, or
35 other agency of a county or city designated pursuant to
36 Section 25283.

37 (h) "Operator" means any person in control of, or
38 having daily responsibility for, the daily operation of an
39 underground storage tank system.

40 (i) "Owner" means the owner of an underground

1 storage tank.

2 (j) "Person" means an individual, trust, firm, joint
3 stock company, corporation, including a government
4 corporation, partnership, or association. "Person" also
5 includes any city, county, district, the state, any
6 department or agency thereof, or the United States to the
7 extent authorized by federal law.

8 (k) "Pipe" means any pipeline or system of pipelines
9 which is used in connection with the storage of hazardous
10 substances and which is not intended to transport
11 hazardous substances in interstate or intrastate
12 commerce or to transfer hazardous materials in bulk to or
13 from a marine vessel.

14 (l) "Primary containment" means the first level of
15 containment, such as the portion of a tank which comes
16 into immediate contact on its inner surface with the
17 hazardous substance being contained.

18 (m) "Product-tight" means impervious to the
19 substance which is contained, or is to be contained, so as
20 to prevent the seepage of the substance from the primary
21 containment. To be product-tight, the tank shall not be
22 subject to physical or chemical deterioration by the
23 substance which it contains over the useful life of the
24 tank.

25 (n) "Release" means any spilling, leaking, emitting,
26 discharging, escaping, leaching, or disposing from an
27 underground storage tank into or on the waters of the
28 state, the land, or the subsurface soils.

29 (o) "Secondary containment" means the level of
30 containment external to, and separate from, the primary
31 containment.

32 (p) "Single-walled" means construction with walls
33 made of only one thickness of material. For the purpose
34 of this chapter, laminated, coated, or clad materials are
35 considered single-walled.

36 (q) "Special inspector" means a professional engineer,
37 registered pursuant to Chapter 7 (commencing with
38 Section 6700) of Division 3 of the Business and Professions
39 Code, who is qualified to attest, at a minimum, to
40 structural soundness, seismic safety, the compatibility of

1 construction materials with contents, cathodic
2 protection, and the mechanical compatibility of the
3 structural elements of underground storage tanks.

4 (r) "Storage" or "store" means the containment,
5 handling, or treatment of hazardous substances, either on
6 a temporary basis or for a period of years. "Storage" or
7 "store" does not mean the storage of hazardous wastes in
8 an underground storage tank if the person operating the
9 tank has been issued a hazardous waste facilities permit
10 by the department pursuant to Section 25200 or granted
11 interim status under Section 25200.5.

12 (s) "SWEEPS" means the Statewide Environmental
13 Evaluation and Planning System administered by the
14 California Association of Environmental Health
15 Administrators.

16 (t) "Tank" means a stationary device designed to
17 contain an accumulation of hazardous substances which
18 is constructed primarily of nonearthen materials (e.g.
19 wood, concrete, steel, plastic) which provides structural
20 support.

21 (u) "Tank integrity test" means a test method capable
22 of detecting an unauthorized release from an
23 underground storage tank consistent with the minimum
24 standards adopted by the board.

25 (v) "Tank tester" means an individual who performs
26 tank integrity tests on underground storage tanks.

27 (w) "Unauthorized release" means any release of any
28 hazardous substance which does not conform to this
29 chapter, unless this release is authorized by the board or
30 a regional board pursuant to Division 7 (commencing
31 with Section 13000) of the Water Code.

32 (x) "Underground storage tank" means any one or
33 combination of tanks, including pipes connected thereto,
34 which is used for the storage of hazardous substances and
35 which is substantially or totally beneath the surface of the
36 ground. "Underground storage tank" does not include
37 any of the following:

38 (1) A tank with a capacity of 1,100 gallons or less which
39 is located on a farm and which stores motor vehicle fuel
40 used primarily for agricultural purposes and not for

1 resale.

2 (2) A tank which is located on a farm or at the
3 residence of a person, which has a capacity of 1,100
4 gallons or less, and which stores home heating oil for
5 consumptive use on the premises where stored.

6 (3) Structures such as sumps, separators, storm drains,
7 catch basins, oil field gathering lines, refinery pipelines,
8 lagoons, evaporation ponds, well cellars, separation
9 sumps, lined and unlined pits, sumps and lagoons. Sumps
10 which are a part of a monitoring system required under
11 Section 25291 or 25292 and sumps or other structures
12 defined as underground storage tanks under the federal
13 act are not exempted by this section. Structures
14 identified in this paragraph may be regulated by the
15 board and any regional board pursuant to the
16 Porter-Cologne Water Quality Control Act (Division 7
17 (commencing with Section 13000) of the Water Code) to
18 ensure that they do not pose a threat to water quality.

19 (y) "Underground tank system" or "tank system"
20 means an underground storage tank, connected piping,
21 ancillary equipment, and containment system, if any.

22 SEC. 109. Section 25312 of the Health and Safety
23 Code is amended to read:

24 25312. "Department" means the ~~State~~ Department
25 of ~~Health Services~~ *Toxic Substances Control*.

26 SEC. 110. Section 25313 of the Health and Safety
27 Code is amended to read:

28 25313. "Director" means the Director of ~~Health~~
29 ~~Services~~ *Toxic Substances Control*.

30 SEC. 111. Section 25334.7 of the Health and Safety
31 Code is amended to read:

32 25334.7. The ~~State~~ Department of ~~Health Services~~
33 *Toxic Substances Control* shall report to the Governor
34 and the Legislature on the progress of the cleanup of the
35 San Gabriel Valley groundwater sites in Los Angeles
36 County, and on the progress of enforcement actions
37 relating to those sites, by January 1, 1992, and annually
38 thereafter. The report shall include, but not be limited to,
39 all of the following:

40 (1) State expenditures and planned expenditures.

1 (2) Actions accomplished at the sites.

2 (3) Actions planned, including a time schedule for the
3 accomplishment of planned actions.

4 The report may be prepared in cooperation with other
5 state and federal agencies involved with the sites, and
6 shall include a summary of the activities of those
7 additional agencies.

8 SEC. 112. Section 25351.6 of the Health and Safety
9 Code is amended to read:

10 25351.6. (a) On or before December 1, 1984, the
11 department shall prepare a plan for the expeditious
12 implementation of the Hazardous Substance Cleanup
13 Bond Act of 1984 (Article 7.5 (commencing with Section
14 25385)) for approval by the Secretary of Health and
15 Welfare. The Secretary of Health and Welfare shall, after
16 approving the plan, transmit this plan to the Legislature
17 no later than February 1, 1985. The plan shall include, but
18 not be limited to, all of the following procedures:

19 (1) Procedures required for the development and
20 adoption of final remedial action plans by the
21 department and regional water quality control boards.

22 (2) Procedures for the submittal by the department of
23 bond act funding requests for legislative appropriation
24 and for authorization by the Hazardous Substance
25 Cleanup Committee.

26 (3) Procedures for selling bonds or for paying loans
27 from the General Fund from bond sales for the purposes
28 provided for in the bond act.

29 (4) Procedures required for the accounting and fiscal
30 management of funds provided to the department by the
31 bond act.

32 (5) Procedures, including a schedule of activities, for
33 the execution of contracts by the department for site
34 characterizations, feasibility studies, site designs, and
35 removal and remedial actions.

36 (6) A hiring schedule which will assure
37 implementation of the bond act.

38 (b) There is hereby established the Hazardous
39 Substance Cleanup Bond Act Implementation
40 Committee to provide advice to the department

1 concerning the implementation and carrying out of the
2 bond act. The committee shall consist of representatives
3 of the Governor, the Department of Finance, the
4 Treasurer, the Controller, ~~the Health and Welfare~~
5 ~~Agency~~, the Secretary ~~of for~~ Environmental Affairs
6 Protection, and the department. The Governor may
7 appoint representatives of other state agencies, the
8 private sector, and the public, as the Governor deems
9 appropriate. The representative of the department is the
10 chairperson of the committee.

11 (c) The Treasurer shall give priority to scheduling the
12 sale of bonds authorized by the bond act if the Treasurer
13 determines that this action will not impair the credit of
14 the state.

15 (d) Notwithstanding Section 16304 of the Government
16 Code, the funds deposited in the Hazardous Substance
17 Cleanup Fund are available, upon appropriation by the
18 Legislature, for encumbrance without regard to fiscal
19 years.

20 (e) If the voters do not adopt the Hazardous
21 Substance Cleanup Bond Act of 1984, as set forth in
22 Section 18 of Chapter 376 of the Statutes of 1984, at the
23 November 6, 1984, general election, this section shall be
24 repealed as of that date.

25 SEC. 113. Section 25354.5 of the Health and Safety
26 Code is amended to read:

27 25354.5. Notwithstanding any other provision of law,
28 for any hazardous substance that is an illegal controlled
29 substance or a precursor of a controlled substance
30 believed to have been used in the unlawful manufacture
31 of controlled substances, upon notice that the hazardous
32 substance has been disposed of contrary to law, the ~~State~~
33 Department of ~~Health Services~~ *Toxic Substances Control*
34 shall take remedial action with respect to that hazardous
35 substance. Further, the ~~State~~ Department of ~~Health~~
36 ~~Services~~ *Toxic Substances Control* may spend funds from
37 the Hazardous Substances Account for costs incurred in
38 taking remedial action under this section, provided that,
39 within 30 days after initiating any expenditures pursuant
40 to this section, the director shall notify the Chairperson

1 of the Joint Legislative Budget Committee and the
2 Director of Finance, in writing, of the purpose for, and
3 the amount of, these expenditures.

4 SEC. 114. Section 25356.2 of the Health and Safety
5 Code is amended to read:

6 25356.2. (a) There is hereby created in the Office of
7 the Secretary ~~of for Environmental Affairs~~ *Protection a*
8 Hazardous Substance Cleanup Arbitration Panel.

9 (b) The panel shall apportion liability for the costs of
10 removal and remedial actions in accordance with
11 Sections 25356.3 and 25356.4. All meetings of the panel are
12 exempt from Chapter 3.5 (commencing with Section
13 6250) of Division 7 of Title 1 of, and Article 9
14 (commencing with Section 11120) of Chapter 1 of Part 1
15 of Division 3 of Title 2 of, the Government Code.

16 (c) The panel shall be comprised of independent
17 private arbitrators who have applied to the Office of the
18 Secretary ~~of for Environmental Affairs~~ *Protection* for
19 membership on the panel. Panel members shall have (1)
20 relevant arbitration background and (2) expertise in
21 engineering, expertise in the physical, biological, or
22 health sciences, or other relevant experience and
23 qualifications. Three arbitrators shall be selected from
24 the panel to apportion liability for a single hazardous
25 waste site. A majority of the arbitrators selected for a
26 single site may apportion liability for the panel under this
27 chapter.

28 (d) The arbitrators shall be selected for an individual
29 hazardous waste site as follows:

30 (1) One arbitrator shall be selected by the department
31 or by the regional water quality control board.

32 (2) One arbitrator shall be selected by the potentially
33 responsible party, or a majority of the potentially
34 responsible parties, who have submitted to binding
35 arbitration by the panel.

36 (3) The two arbitrators selected pursuant to
37 paragraphs (1) and (2) shall jointly select a third
38 arbitrator.

39 SEC. 115. Section 25356.10 of the Health and Safety
40 Code is amended to read:

1 25356.10. The Office of the Secretary of
2 ~~Environmental Affairs~~ California Environmental
3 Protection Agency shall adopt, and may, from time to
4 time, modify, revise, or repeal, regulations, consistent
5 with this article, to implement the provisions of this
6 article concerning arbitration proceedings. The
7 regulations may include, but are not required to be
8 limited to, all of the following:

- 9 (a) The method of initiating arbitration.
- 10 (b) The place of hearing, based upon the convenience
11 of the parties.
- 12 (c) Procedures for the selection of neutral arbitrators.
- 13 (e) Procedure for conducting hearings.
- 14 (f) The providing of experts to assist the arbitrators if
15 assistance is needed.
- 16 (g) Procedures for reimbursing the expenses which
17 the panel incurs in conducting arbitrations.

18 SEC. 116. Section 25385.1 of the Health and Safety
19 Code is amended to read:

20 25385.1. For purposes of this article, and for purposes
21 of Section 16722 of the Government Code as applied to
22 this article, the following definitions apply:

- 23 (a) "Board" means the ~~State~~ Department of ~~Health~~
24 ~~Services~~ Toxic Substances Control.
- 25 (b) "Committee" means the Hazardous Substance
26 Cleanup Committee created pursuant to Section 25385.4.
- 27 (c) "Director" means the ~~State~~ Director of ~~Health~~
28 ~~Services~~ Toxic Substances Control.
- 29 (d) "Fund" means the Hazardous Substance Cleanup
30 Fund created pursuant to Section 25385.3.
- 31 (e) "Orphan site" means a site with a release or
32 threatened release of a hazardous substance with no
33 reasonably identifiable responsible parties.
- 34 (f) "Orphan share" means those costs of removal or
35 remedial action at sites with a release or threatened
36 release of hazardous substances, which costs are in excess
37 of amounts included in a cleanup agreement.
- 38 (g) "Responsible party" means a person who is, or may
39 be, responsible or liable for carrying out, or paying for the
40 costs of, a removal or remedial action.

1 (h) "Trust fund" means the Superfund Bond Trust
2 Fund.

3 SEC. 117. Section 25385.4 of the Health and Safety
4 Code is amended to read:

5 25385.4. The Hazardous Substance Cleanup
6 Committee, which is hereby created, shall consist of the
7 Governor, the Director of Finance, the Treasurer, the
8 Controller, and the Secretary ~~of the Health and Welfare~~
9 ~~Agency for Environmental Protection.~~

10 SEC. 118. Section 25411 of the Health and Safety
11 Code is amended to read:

12 25411. As used in this chapter:

13 (a) "Agency" means the *California* Environmental
14 ~~Affairs~~ Protection Agency.

15 (b) "Handle" means to use, generate, process,
16 produce, package, treat, store, or dispose of a hazardous
17 material in any fashion.

18 (c) "Hazardous material" means any of the following
19 materials:

20 (1) A material listed in subdivision (b) of Section 6382
21 of the Labor Code.

22 (2) A material defined in Section 25115, 25117, or
23 25316.

24 (3) Any other material which the director determines,
25 because of its quantity, concentration, or physical or
26 chemical characteristics, poses a significant present or
27 potential hazard to human health and safety or to the
28 environment if released into the community.

29 (d) "Release" means any spilling, leaking, pumping,
30 pouring, emitting, emptying, discharging, injecting,
31 escaping, leaching, dumping, or disposing into the
32 environment.

33 (e) "Secretary" means the Secretary ~~of the~~ for
34 Environmental ~~Affairs~~ Agency Protection.

35 SEC. 119. Section 25416 of the Health and Safety
36 Code is amended to read:

37 25416. (a) All studies and community information
38 programs conducted pursuant to this section shall be
39 done only if either subdivision (b) applies or if funds are
40 available without restructuring the department's funding

1 priorities. The department shall conduct these studies
2 and information programs in the following manner:

3 (1) The department shall, except as provided in
4 subdivision (b), and in conjunction with the local health
5 officer, *the State Department of Health Services, and the*
6 *Office of Environmental Health Hazard Assessment,*
7 conduct or contract for epidemiological studies to
8 identify and monitor health effects related to exposure to
9 hazardous materials, as defined in Section 66084 of Title
10 22 of the California ~~Administrative~~ *Code of Regulations.*

11 A study may be conducted in any area of the state
12 identified by the department or the local health officer as
13 a site of potential exposure to hazardous materials,
14 including, but not limited to, any of the following areas:

15 (A) All communities located near hazardous waste
16 disposal facilities.

17 (B) In all communities containing hazardous
18 substance release sites listed pursuant to Section 25356 or
19 listed pursuant to the Comprehensive Environmental
20 Response, Compensation, and Liability Act of 1980 (42
21 U.S.C. Sec. 9601 et seq.).

22 (C) In all areas around the location of major
23 generators of hazardous waste.

24 (D) In all other areas identified by local health officers
25 or the ~~state~~ department as possible locations of public
26 exposure to hazardous materials.

27 (2) The department, *in consultation with the State*
28 *Department of Health Services and the Office of*
29 *Environmental Health Hazard Assessment,* shall
30 determine which epidemiological studies are to be
31 conducted pursuant to this section based on the potential
32 for public exposure to hazardous materials. Studies in
33 areas near Class I hazardous waste disposal facilities, as
34 defined in Section 2531 of Title 23 of the California
35 ~~Administrative~~ *Code of Regulations,* shall be given the
36 highest priority for funding. If a hearing is conducted
37 pursuant to Section 25149 and the hearing officer
38 determines that there is a significant potential for
39 endangerment to the public as a result of the suspected
40 or actual release of a hazardous material, the department

1 shall give priority to conducting an epidemiological study
2 for that facility.

3 (3) If a local health officer determines that a study
4 should be conducted pursuant to this section because of
5 a potential public exposure to hazardous materials, the
6 local health officer may request that the department
7 initiate or contract for a study pursuant to this section by
8 demonstrating to the department that there is sufficient
9 evidence that justifies the need for a study. The
10 department shall respond to the local health officer's
11 request within 90 days.

12 (4) A local health officer may contract with qualified
13 persons or firms to produce the epidemiological studies
14 specified in paragraph (1).

15 (5) The design and methodology of any study
16 conducted pursuant to this section shall be reviewed and
17 approved by the department, *the State Department of*
18 *Health Services, and the Office of Environmental Health*
19 *Hazard Assessment* prior to the initiation of the study.

20 (6) In any county in which hazardous waste disposal
21 facilities are located and in all other counties in which the
22 ~~state~~ department identifies significant actual or potential
23 public exposure to hazardous materials, the department
24 shall, in conjunction with the local health officer, conduct
25 or contract for a community information program with
26 respect to sites of potential exposure to hazardous
27 materials identified under paragraph (1) to do all of the
28 following:

29 (A) Organize and conduct educational programs for
30 local physicians and other health professionals on the
31 effects of exposure to hazardous materials and reporting
32 requirements.

33 (B) Disseminate information to high risk populations
34 on the health effects of exposure to hazardous materials.

35 (C) Conduct public forums on the health effects of
36 exposure to hazardous substances and methods of
37 limiting exposure.

38 (7) Paragraph (6) does not apply to hazardous
39 substance release sites listed on the National Priorities
40 List for which the Environmental Protection Agency has

1 assumed lead responsibility for community relations.

2 (b) If a county is authorized to impose a license tax
3 pursuant to Section 25149.5 for revenue purposes, the
4 department may require the county to provide funding
5 for carrying out epidemiological studies or the
6 community information program concerning the
7 hazardous waste facility subject to the license tax. The
8 department shall provide the county with technical
9 assistance to conduct an epidemiological study pursuant
10 to this subdivision. The department may exempt a county
11 from the requirement of this subdivision if the county
12 demonstrates to the department that the revenue
13 potential from the facility would not be adequate to
14 conduct an epidemiological study or community
15 information program. When considering a county
16 request for an exemption, the department shall consider
17 the regulatory costs and responsibilities of the county
18 related to that facility.

19 (c) The department shall expend funds from the
20 Hazardous Substance Account, upon appropriation by
21 the Legislature, to conduct studies and community
22 information programs in counties containing a hazardous
23 substance release site listed pursuant to Section 25356.
24 The department shall expend funds from the Hazardous
25 Waste Control Account, upon appropriation by the
26 Legislature, to conduct all other studies and community
27 information programs conducted pursuant to this section,
28 except as provided in subdivision (b).

29 SEC. 120. Section 25420 of the Health and Safety
30 Code is amended to read:

31 25420. For purposes of this chapter, the following
32 definitions apply:

33 (a) "Person" means an individual, trust, firm, joint
34 stock company, partnership, association, business
35 concern, or corporation. "Person" also includes any city,
36 county, district, and the state or any department or
37 agency thereof, or the federal government or any
38 department or agency thereof to the extent permitted by
39 law.

40 (b) "Department" means the ~~State~~ Department of

1 ~~Health Services Toxic Substances Control.~~

2 (c) "Gas corporation" has the same meaning as
3 defined in Section 222 of the Public Utilities Code and is
4 subject to rate regulation by the Public Utilities
5 Commission.

6 SEC. 121. Section 25501 of the Health and Safety
7 Code is amended to read:

8 25501. Unless the context indicates otherwise, the
9 following definitions govern the construction of this
10 chapter:

11 (a) "Administering agency" means the department,
12 office, or other agency of a county or city designated
13 pursuant to, or a fire district designated by a county or
14 city pursuant to, subdivision (c) of Section 25502.

15 (b) "Agricultural handler" means an entity identified
16 in paragraph (5) of subdivision (c) of Section 25503.5.

17 (c) "Area plan" means a plan established pursuant to
18 Section 25503 by an administering agency for emergency
19 response to a release or threatened release of a hazardous
20 material within a city or county.

21 (d) "Business" means an employer, self-employed
22 individual, trust, firm, joint stock company, corporation,
23 partnership, or association. For purposes of this chapter,
24 "business" includes a business organized for profit and a
25 nonprofit business.

26 (e) "Business plan" means a separate plan for each
27 facility, site, or branch of a business which meets the
28 requirements of Section 25504.

29 (f) "Chemical name" means the scientific designation
30 of a substance in accordance with the nomenclature
31 system developed by the International Union of Pure and
32 Applied Chemistry or the system developed by the
33 Chemical Abstracts Service.

34 (g) "Common name" means any designation or
35 identification, such as a code name, code number, trade
36 name, or brand name, used to identify a substance other
37 than by its chemical name.

38 (h) "Department" means the ~~State~~ Department of
39 ~~Health Services Toxic Substances Control~~, and "director"
40 means the ~~State~~ Director of ~~Health Services Toxic~~

1 *Substances Control.*

2 (i) "Handle" means to use, generate, process,
3 produce, package, treat, store, emit, discharge, or dispose
4 of a hazardous material in any fashion.

5 (j) "Handler" means any business which handles a
6 hazardous material.

7 (k) "Hazardous material" means any material that,
8 because of its quantity, concentration, or physical or
9 chemical characteristics, poses a significant present or
10 potential hazard to human health and safety or to the
11 environment if released into the workplace or the
12 environment. "Hazardous materials" include, but are not
13 limited to, hazardous substances, hazardous waste, and
14 any material which a handler or the administering
15 agency has a reasonable basis for believing that it would
16 be injurious to the health and safety of persons or harmful
17 to the environment if released into the workplace or the
18 environment.

19 (l) "Hazardous substance" means any substance or
20 chemical product for which one of the following applies:

21 (1) The manufacturer or producer is required to
22 prepare a MSDS for the substance or product pursuant to
23 the Hazardous Substances Information and Training Act
24 (Chapter 2.5 (commencing with Section 6360) of Part 1
25 of Division 5 of the Labor Code) or pursuant to any
26 applicable federal law or regulation.

27 (2) The substance is listed as a radioactive material in
28 Appendix B of Chapter 1 of Title 10 of the Code of
29 Federal Regulations, maintained and updated by the
30 Nuclear Regulatory Commission.

31 (3) The substances listed pursuant to Title 49 of the
32 Code of Federal Regulations.

33 (4) The materials listed in subdivision (b) of Section
34 6382 of the Labor Code.

35 (m) "Hazardous waste" means hazardous waste, as
36 defined by Sections 25115, 25117, and 25316.

37 (n) "Office" means the Office of Emergency Services.

38 (o) "Release" means any spilling, leaking, pumping,
39 pouring, emitting, emptying, discharging, injecting,
40 escaping, leaching, dumping, or disposing into the

1 environment, unless permitted or authorized by a
2 regulatory agency.

3 (p) "SIC Code" means the identification number
4 assigned by the Standard Industrial Classification Code to
5 specific types of businesses.

6 (q) "Threatened release" means a condition creating
7 a substantial probability of harm, when the probability
8 and potential extent of harm make it reasonably
9 necessary to take immediate action to prevent, reduce, or
10 mitigate damages to persons, property, or the
11 environment.

12 (r) "Emergency rescue personnel" means any public
13 employee, including, but not limited to, any fireman,
14 firefighter, or emergency rescue personnel, as defined in
15 Section 245.1 of the Penal Code, or personnel of a local
16 EMS agency, as designated pursuant to Section 1797.200,
17 or a poison control center, as defined by Section 1797.97,
18 who responds to any condition caused, in whole or in
19 part, by a hazardous material that jeopardizes, or could
20 jeopardize, public health or safety or the environment.

21 (s) "City" includes any city and county.

22 (t) "Trade secret" means trade secrets as defined in
23 subdivision (d) of Section 6254.7 of the Government
24 Code and Section 1060 of the Evidence Code.

25 SEC. 122. Section 25503.2 of the Health and Safety
26 Code is amended to read:

27 25503.2. (a) The *California Environmental Affairs*
28 *Protection Agency*, with the guidance of the Chemical
29 *Emergency Planning and Response Commission*, as
30 specified in Section 25503.1, shall develop a hazardous
31 materials compliance assistance manual, which shall
32 include all of the following:

33 (1) A copy of each form required by federal and state
34 agencies for the reporting of activities concerning
35 hazardous materials and criteria as to who is required to
36 file the form.

37 (2) The due date for each form specified in paragraph
38 (1).

39 (3) The address, telephone number, and contact
40 person of each federal and state agency which requires

1 the reporting forms specified in paragraph (1).

2 (4) An insert which contains a copy of each form used
3 for the reporting of activities concerning hazardous
4 materials required by each local agency under whose
5 jurisdiction the person requesting the manual conducts
6 business, including the due date for each form, and the
7 address, telephone number, and contact person of each
8 local agency.

9 (5) Any other information which the *California*
10 Environmental ~~Affairs~~ *Protection Agency* determines to
11 be necessary.

12 (b) On or before July 1, 1991, the *California*
13 Environmental ~~Affairs~~ *Protection Agency*, with the
14 guidance of the Chemical Emergency Planning and
15 Response Commission, shall make known to businesses
16 and other interested parties, and distribute, upon
17 request, the hazardous materials compliance assistance
18 manual developed pursuant to subdivision (a). The
19 Secretary ~~of the~~ *for Environmental Affairs Agency*
20 *Protection* may impose a fee for the manual to pay for all
21 costs related to the development, maintenance,
22 reproduction, and distribution of the manual.

23 (c) On or before July 1, 1991, the *California*
24 Environmental ~~Affairs~~ *Protection Agency*, with the
25 guidance of the Chemical Emergency Planning and
26 Response Commission, shall submit a report to the
27 Legislature on the status of the development and
28 distribution of the hazardous materials compliance
29 assistance manual program. The report shall also contain
30 a discussion of the feasibility of the adoption of a single
31 filing date for state and local hazardous materials
32 reporting forms, including recommendations for
33 implementation of a single filing date for these forms, and
34 the use of a single comprehensive hazardous materials
35 reporting form for businesses to submit to the
36 appropriate state and local agencies.

37 SEC. 123. Section 25570.2 of the Health and Safety
38 Code is amended to read:

39 25570.2. For purposes of this chapter the following
40 definitions apply:

1 (a) "Air board" means the State Air Resources Board.

2 (b) "Cal-OSHA" means the Division of Occupational
3 Safety and Health in the Department of Industrial
4 Relations.

5 (c) "Department" means the State Department of
6 ~~Health Services~~ *Toxic Substances Control*.

7 (d) "Environmental quality assessment" or
8 "assessment" means a systematic, documented, periodic,
9 and objective review of the operations and practices,
10 used by any commercial or industrial business or
11 individual whose activities are regulated under Chapter
12 6.5 (commencing with Section 25100) or Chapter 6.95
13 (commencing with Section 25500), to achieve, monitor,
14 maintain, and where feasible exceed, compliance with
15 state environmental, worker health and safety, and
16 public health requirements for the manufacture and use
17 of hazardous substances and the generation and disposal
18 of hazardous wastes. A complete environmental
19 assessment includes a number of different components
20 related to hazardous substance and hazardous waste
21 management and requires the expertise of a variety of
22 assessors. An environmental assessment includes
23 technical or managerial recommendations or actions, of
24 a general or specific nature, in one or more of the
25 following areas:

26 (1) Recommendations or specific actions for
27 complying with, and where feasible, exceeding legal
28 requirements in areas related to hazardous substance and
29 hazardous waste management, including, but not limited
30 to, air quality, water quality, emergency preparedness
31 and response, hazard communications, and occupational
32 safety and health.

33 (2) A qualitative review, or where feasible, a
34 quantitative review, of the risks resulting from
35 occupational, public or environmental exposure to
36 hazardous substances.

37 (3) Recommendations or actions for anticipating and
38 minimizing the risks specified in paragraph (2),
39 including any potential liability, associated with
40 regulated and unregulated hazardous substances, and

1 any suggested management procedures or practices.

2 (e) "Environmental assessor" or "assessor" means an
3 individual who, through academic training, occupational
4 experience, and reputation, is qualified to objectively
5 conduct one or more aspects of an environmental
6 assessment. Environmental assessors may include, but
7 shall not be limited to, specialists trained as analytical
8 chemists, professional engineers, epidemiologists,
9 hydrologists, attorneys with expertise in hazardous
10 substance law, physicians, industrial hygienists,
11 toxicologists, registered environmental health specialists,
12 and environmental program managers.

13 (f) "Hazardous substance" shall have the same
14 meaning as found in Chapter 6.8 (commencing with
15 Section 25300), and "hazardous waste" shall have the
16 same meaning as found in Chapter 6.5 (commencing
17 with Section 25100).

18 (g) "Secretary" means the Secretary ~~of~~ *for*
19 Environmental ~~Affairs~~ *Protection*.

20 (h) "Water board" means the State Water Resources
21 Control Board.

22 SEC. 124. Section 25886.5 of the Health and Safety
23 Code is amended to read:

24 25886.5. On or before January 1, 1993, the
25 ~~department~~ *Office of Environmental Health Hazard*
26 *Assessment* shall evaluate the standards specified in
27 Section 25886 to determine whether they are adequate to
28 protect the public health, including, but not limited to,
29 the health of children and other sensitive groups of the
30 population, and shall report the results of this evaluation
31 to the Legislature. The evaluation and report shall
32 specifically include recommendations regarding
33 standards governing the release of lead and cadmium
34 from tableware which would be necessary to adequately
35 protect the public health and shall include comparisons
36 with other public health standards governing exposure to
37 lead and cadmium. The report shall also identify any
38 additional studies necessary to adequately evaluate the
39 public health impacts of exposures to lead and cadmium.

40 SEC. 125. Section 26205 of the Health and Safety

1 Code is amended to read:

2 26205. (a) All pesticide regulations and any
3 amendments to these regulations adopted pursuant to
4 the federal act or the Food and Agricultural Code, which
5 are in effect on November 23, 1970, or which are adopted
6 on or after this date, are the pesticide regulations in this
7 state. The department may, by regulation, prescribe
8 tolerances for pesticides in processed foods in this state
9 whether or not these tolerances are in accordance with
10 the regulations adopted pursuant to the federal act or the
11 Food and Agricultural Code.

12 (b) Except as otherwise provided in this subdivision,
13 the department *and the Office of Environmental Health*
14 *Hazard Assessment* shall evaluate the tolerance
15 prescribed, or an exemption from a tolerance granted, for
16 a pesticide in processed foods and make a determination
17 whether or not the existing tolerance, or the exemption
18 from a tolerance, is protective of the public health
19 whenever any one of the following occurs:

20 (1) The Director of ~~Food and Agriculture~~ *Pesticide*
21 *Regulation* designates the pesticide as a restricted
22 material pursuant to subdivisions (a) and (b) of Section
23 14004.5 of the Food and Agricultural Code.

24 (2) The Director of ~~Food and Agriculture~~ *Pesticide*
25 *Regulation* refuses to register or cancels the registration
26 of the pesticide pursuant to Section 12825, or suspends the
27 registration of the pesticide pursuant to Section 12826, of
28 the Food and Agricultural Code, upon determining that
29 the pesticide is detrimental to the public health and
30 safety.

31 (3) The Director of ~~Food and Agriculture~~ *Pesticide*
32 *Regulation* adopts regulations restricting worker entry
33 into areas treated with the pesticide pursuant to Section
34 12981 of the Food and Agricultural Code.

35 (4) The pesticide is the subject of a proceeding
36 pursuant to a determination by the Environmental
37 Protection Agency under paragraph (3) (i) (A),
38 (3) (ii) (A), (3) (ii) (B), or (3) (iii) of subsection (a) of
39 Section 162.11 of Title 40 of the Code of Federal
40 Regulations.

1 The requirement to evaluate a tolerance prescribed, or
2 an exemption from a tolerance granted, for a pesticide
3 does not apply if the department finds that any of the
4 actions described in paragraphs (1) to (4), inclusive,
5 occurred for reasons that are not related to the question
6 whether or not the existing tolerance, or the exemption
7 from a tolerance, adequately protects the public health.
8 If the department makes such a finding, the reasons for
9 the finding shall be stated in writing.

10 (c) The determination required by subdivision (b),
11 and the reasons for the determination, shall be stated in
12 writing. If the determination is required because any of
13 the actions described in paragraphs (1) to (4), inclusive,
14 of subdivision (b) occurs after January 1, 1985, the
15 determination shall be completed within one year of the
16 date of the action. If the determination is required
17 because any of those actions occurred prior to January 1,
18 1985, the determination shall be completed by January 1,
19 1990.

20 (d) In any case where the department, after
21 consultation with the Department of ~~Food and~~
22 ~~Agriculture~~ *Pesticide Regulation and the Office of*
23 *Environmental Health Hazard Assessment*, determines,
24 pursuant to subdivision (b), that the tolerance
25 prescribed, or an exemption from a tolerance granted, for
26 a pesticide is not protective of the public health, the
27 department shall, if it does not act immediately pursuant
28 to subdivision (a), transmit notice of its determination to
29 the responsible federal agencies and shall request that
30 they take action, pursuant to the federal act, to modify
31 the tolerance or an exemption from a tolerance. If, after
32 one year from the date the notice is transmitted, the
33 department finds that the responsible federal agencies
34 have failed to take appropriate action to protect the
35 public health, the department shall exercise its authority
36 pursuant to subdivision (a) to prescribe a tolerance that
37 is protective of the public health and shall notify the
38 responsible federal agencies of its action.

39 SEC. 126. Section 26505.5 of the Health and Safety
40 Code is amended to read:

1 26505.5. (a) On or before July 1, 1990, the
2 department shall commence and maintain a program for
3 monitoring processed foods for pesticide residues,
4 chemicals, microbes, and other contaminants. In
5 designing the program, the department shall take into
6 consideration any information developed pursuant to
7 Section 26505.

8 (b) The department shall consult with the
9 Department of ~~Food and Agriculture~~ *Pesticide*
10 *Regulation and the Office of Environmental Health*
11 *Hazard Assessment* in designing the pesticide residue
12 component of the monitoring program, to facilitate
13 focusing the testing in areas of greatest concern. Among
14 the pesticides to be reviewed for possible monitoring
15 shall be those contained in the lists of pesticides identified
16 in Section 12535 of the Food and Agricultural Code.

17 (c) In the development and ongoing operation of the
18 department's monitoring program, the department shall
19 consider, in establishing priorities:

20 (1) Potential concentration effects that may occur
21 during processing.

22 (2) Targeting foreign and domestic imported
23 processed foods according to their estimated California
24 market share.

25 (3) The extent to which processed foods are a part of
26 the infant and child diet.

27 SEC. 127. Section 26506.6 of the Health and Safety
28 Code is amended to read:

29 26506.6. In addition to the fee paid pursuant to
30 Section 26506.2, each registrant shall pay a surcharge of
31 one hundred dollars (\$100) to the director, in a form and
32 manner prescribed by the director. This section shall not
33 apply to those registrants the department determines
34 should not be assessed due to limited applicability of
35 Sections 12535, 12797, 12798, 13060, and 13061 of the Food
36 and Agricultural Code or Section 26505.5 of this code to
37 those registrants, or because substantial economic
38 hardship would result to individual registrants. Revenue
39 received pursuant to this section shall be deposited in the
40 Food Safety Account in the Department of ~~Food and~~

1 ~~Agriculture Pesticide Regulation~~ Fund. A penalty of 10
2 percent per month shall be added to any surcharge not
3 paid when due.

4 SEC. 128. Section 26509 of the Health and Safety
5 Code is amended to read:

6 26509. (a) Every laboratory or other person which
7 performs or which brokers or otherwise arranges for the
8 performance of pesticide chemical analysis on food shall
9 report to the appropriate state agency any finding of
10 pesticide chemical residues in a food for which no
11 chemical residue tolerance has been established or that is
12 in excess of federal or state residue tolerances or
13 tolerances for a pesticide suspended, banned, or
14 otherwise not permitted by the Department of ~~Food and~~
15 ~~Agriculture Pesticide Regulation~~ or the ~~United States~~
16 Environmental Protection Agency, if the food is in the
17 channels of trade. The report shall be made as soon as
18 possible, and in any event, not later than 24 hours after
19 the analyzing laboratory makes the finding. Findings on
20 raw agricultural commodities and dairy products shall be
21 reported to the Department of Food and Agriculture.
22 *Findings on raw agricultural commodities shall also be*
23 *reported to the Department of Pesticide Regulation.*
24 Findings on all other foods shall be made to the State
25 Department of Health Services.

26 (b) For the purpose of reporting findings regarding
27 raw agricultural commodities, “in the channels of trade”
28 means the point at which the raw agricultural
29 commodities leave the farm, including raw agricultural
30 commodities bound for processing up to the point that
31 processing is initiated. For the purpose of reporting
32 findings in processed foods, “in the channels of trade”
33 means at the point the processed food leaves the direct
34 control of the processor, which means either that the
35 product is not located on the premises owned by, or
36 under the control of, the processor or a portion of the
37 product has been released for sale or use.

38 SEC. 129. Section 33459 of the Health and Safety
39 Code is amended to read:

40 33459. For purposes of this article, the following

1 definitions shall apply:

2 (a) "Department" means the ~~State~~ Department of
3 ~~Health Services~~ *Toxic Substances Control*.

4 (b) "Hazardous substance" means any hazardous
5 substance as defined in subdivision (f) of Section 25281,
6 and any reference to hazardous substance in the
7 definitions referenced in this section shall be deemed to
8 refer to hazardous substance as defined in this
9 subdivision.

10 (c) "Qualified independent contractor" means an
11 independent contractor who is any of the following:

12 (1) An engineering geologist who is certified pursuant
13 to Section 7842 of the Business and Professions Code.

14 (2) A geologist who is registered pursuant to Section
15 7850 of the Business and Professions Code.

16 (3) A civil engineer who is registered pursuant to
17 Section 6762 of the Business and Professions Code.

18 (d) "Release" means any release, as defined in Section
19 25320.

20 (e) "Remedy" or "remove" means any action to assess,
21 evaluate, investigate, monitor, remove, correct, cleanup,
22 or abate a release of a hazardous substance or to develop
23 plans for those actions. "Remedy" includes any action set
24 forth in Section 25322 and "remove" includes any action
25 set forth in Section 25323.

26 (f) "Responsible party" means, notwithstanding any
27 other provision of law, any person described in
28 subdivision (a) of Section 25323.5 *of this code* or
29 subdivision (a) of Section 13304 of the Water Code.

30 SEC. 130. Section 39510 of the Health and Safety
31 Code is amended to read:

32 39510. (a) The State Air Resources Board is
33 continued in existence in the ~~Resources~~ *California*
34 *Environmental Protection Agency*. The state board shall
35 consist of nine members.

36 (b) The members shall be appointed by the Governor
37 with the consent of the Senate on the basis of their
38 demonstrated interest and proven ability in the field of
39 air pollution control and their understanding of the needs
40 of the general public in connection with air pollution

1 problems. Five members shall have the following
2 qualifications:

3 (1) One member shall have training and experience in
4 automotive engineering or closely related fields.

5 (2) One member shall have training and experience in
6 chemistry, meteorology, or related scientific fields,
7 including agriculture or law.

8 (3) One member shall be a physician and surgeon or
9 an authority on health effects of air pollution.

10 (4) One member shall be a public member.

11 (5) One member shall have the qualifications
12 specified in paragraph (1), (2), or (3) or shall have
13 experience in the field of air pollution control.

14 (c) Four members shall be board members from the
15 districts. The members shall reflect the qualitative
16 requirements of subdivision (b) to the extent practicable.

17 (1) Of these four members, one shall be a board
18 member from the south coast district, one shall be a board
19 member from the bay district, and one shall be a board
20 member from the San Diego Air Pollution Control
21 District.

22 (2) Of these four members, one shall be a board
23 member of one of the other districts.

24 (d) Any vacancy shall be filled by the Governor within
25 30 days of the date on which it occurs. If the Governor
26 fails to make an appointment for any vacancy within the
27 30-day period, the Senate Rules Committee may make
28 the appointment to fill the vacancy in accordance with
29 the provisions of this section.

30 (e) While serving on the state board, all members shall
31 exercise their independent judgment as officers of the
32 state on behalf of the interests of the entire state in
33 furthering the purposes of this division. No member of
34 the state board shall be precluded from voting or
35 otherwise acting upon any matter solely because that
36 member has voted or acted upon the matter in his or her
37 capacity as a member of a district board, except that no
38 member of the state board who is also a member of a
39 district board shall participate in any action regarding his
40 or her district taken by the state board pursuant to

1 Sections 41503 to 41505, inclusive.

2 SEC. 131. Section 39511 of the Health and Safety
3 Code is amended to read:

4 39511. (a) The Governor shall appoint the
5 chairperson, who shall serve at the pleasure of the
6 Governor, from among the members of the state board ;
7 ~~and shall serve as the principal advisor to the Governor~~
8 ~~on; and shall assist the Governor in establishing, major~~
9 ~~policy and program matters on environmental~~
10 ~~protection.~~ The chairperson shall also serve as the
11 ~~principal communications link for the effective~~
12 ~~transmission of policy problems and decisions to the~~
13 ~~Governor relating to the activities of the State Water~~
14 ~~Resources Control Board and the State Solid Waste~~
15 ~~Management Board, in addition to serving as the~~
16 Governor's chief air quality policy spokesperson.

17 (b) The chairperson shall serve full time.

18 SEC. 132. Section 39606 of the Health and Safety
19 Code is amended to read:

20 39606. The state board shall:

21 (a) Based upon similar meteorological and geographic
22 conditions and consideration for political boundary lines
23 whenever practicable, divide the state into air basins to
24 fulfill the purposes of this division.

25 (b) Adopt standards of ambient air quality for each air
26 basin in consideration of the public health, safety, and
27 welfare, including, but not limited to, health, illness,
28 irritation to the senses, aesthetic value, interference with
29 visibility, and effects on the economy. These standards
30 may vary from one air basin to another. Standards
31 relating to health effects shall be based upon the
32 recommendations of the ~~State Department of Health~~
33 ~~Services Office of Environmental Health Hazard~~
34 ~~Assessment.~~

35 SEC. 133. Section 39660 of the Health and Safety
36 Code is amended to read:

37 39660. (a) Upon the request of the state board, the
38 ~~State Department of Health Services Office of~~
39 ~~Environmental Health Hazard Assessment,~~ in
40 consultation with and with the participation of the state

1 board, shall evaluate the health effects of and prepare
2 recommendations regarding substances, other than
3 pesticides in their pesticidal use, which may be or are
4 emitted into the ambient air of California which may be
5 determined to be toxic air contaminants.

6 (b) In conducting this evaluation, the ~~State~~
7 ~~Department of Health Services~~ *office* shall consider all
8 available scientific data, including, but not limited to,
9 relevant data provided by the state board, the
10 Occupational Safety and Health Division of the
11 Department of Industrial Relations, international and
12 federal health agencies, private industry, academic
13 researchers, and public health and environmental
14 organizations.

15 (c) The evaluation shall assess the availability and
16 quality of data on health effects, including potency, mode
17 of action, and other relevant biological factors, of the
18 substance.

19 The evaluation shall also contain an estimate of the
20 levels of exposure which may cause or contribute to
21 adverse health effects and, in the case where there is no
22 threshold of significant adverse health effects, the range
23 of risk to humans resulting from current or anticipated
24 exposure.

25 (d) The ~~State Department of Health Services~~ *office*
26 shall submit its written evaluation and recommendations
27 to the state board within 90 days after receiving the
28 request of the state board pursuant to subdivision (a).
29 The ~~State Department of Health Services~~ *office* may,
30 however, petition the state board for an extension of the
31 deadline, not to exceed 30 days, setting forth its statement
32 of the reasons which prevent the ~~department~~ *office* from
33 completing its evaluation and recommendations within
34 90 days. Upon receipt of a request for extension of, or
35 noncompliance with, the deadline contained in this
36 section, the state board shall immediately transmit to the
37 Assembly Committee on Rules and the Senate
38 Committee on Rules, for transmittal to the appropriate
39 standing, select, or joint committee of the Legislature, a
40 statement of reasons for extension of the deadline, along

1 with copies of the ~~department's~~ *office's* statement of
2 reasons which prevent it from completing its evaluation
3 and recommendations in a timely manner.

4 (e) The state board or a district may request, and any
5 person shall provide, information on any substance which
6 is or may be under evaluation and which is
7 manufactured, distributed, emitted, or used by the
8 person of whom the request is made, in order to carry out
9 its responsibilities pursuant to this chapter. To the extent
10 practical, the state board or a district may collect the
11 information in aggregate form or in any other manner
12 designed to protect trade secrets.

13 Any person providing information pursuant to this
14 subdivision may, at the time of submission, identify a
15 portion of the information submitted to the state board or
16 a district as a trade secret and shall support the claim of
17 a trade secret, upon the written request of the state board
18 or district board. Subject to Section 1060 of the Evidence
19 Code, information supplied which is a trade secret, as
20 specified in Section 6254.7 of the Government Code, and
21 which is so marked at the time of submission, shall not be
22 released to any member of the public. This section shall
23 not be construed to prohibit the exchange of properly
24 designated trade secrets between public agencies when
25 those trade secrets are relevant and necessary to the
26 exercise of their jurisdiction provided that the public
27 agencies exchanging those trade secrets shall preserve
28 the protections afforded that information by this
29 paragraph.

30 Any information not identified as a trade secret shall be
31 available to the public unless exempted from disclosure
32 by other provisions of law. The fact that information is
33 claimed to be a trade secret is public information. Upon
34 receipt of a request for the release of information which
35 has been claimed to be a trade secret, the state board or
36 district shall immediately notify the person who
37 submitted the information, and shall determine whether
38 or not the information claimed to be a trade secret is to
39 be released to the public. The state board or district
40 board, as the case may be, shall make its determination

1 within 60 days after receiving the request for disclosure,
2 but not before 30 days following the notification of the
3 person who submitted the information. If the state board
4 or district decides to make the information public, it shall
5 provide the person who submitted the information 10
6 days' notice prior to public disclosure of the information.

7 (f) The ~~State Department of Health Services office~~
8 and the state board shall give priority to the evaluation
9 and regulation of substances based on factors related to
10 the risk of harm to public health, amount or potential
11 amount of emissions, manner of usage of the substance in
12 California, persistence in the atmosphere, and ambient
13 concentrations in the community.

14 SEC. 134. Section 39661 of the Health and Safety
15 Code is amended to read:

16 39661. (a) Upon receipt of the evaluation and
17 recommendations prepared pursuant to Section 39660,
18 the state board, in consultation with and with the
19 participation of the ~~State Department of Health Services~~
20 *Office of Environmental Health Hazard Assessment*,
21 shall prepare a report in a form which may serve as the
22 basis for regulatory action regarding a particular
23 substance pursuant to subdivisions (b) and (c) of Section
24 39662.

25 The report shall include and be developed in
26 consideration of the evaluation and recommendations of
27 the ~~State Department of Health Services office~~.

28 (b) The report, together with the scientific data on
29 which the report is based, shall, with the exception of
30 trade secrets, be made available to the public and shall be
31 formally reviewed by the scientific review panel
32 established pursuant to Section 39670. The panel shall
33 review the scientific procedures and methods used to
34 support the data, the data itself, and the conclusions and
35 assessments on which the report is based. Any person
36 may submit any information for consideration by the
37 panel which may, at its discretion, receive oral testimony.
38 The panel shall submit its written findings to the state
39 board within 45 days after receiving the report. The
40 panel may, however, petition the state board for an

1 extension of the deadline, which may not exceed 15
2 working days.

3 (c) If the scientific review panel determines that the
4 health effects report is seriously deficient, the report shall
5 be returned to the state board, and the state board, in
6 consultation with and with the participation of the ~~State~~
7 ~~Department of Health Services office~~, shall prepare
8 revisions to the report which shall be resubmitted, within
9 30 days following receipt of the panel's determination, to
10 the scientific review panel which shall review the report
11 in conformance with subdivision (b) prior to a formal
12 proposal by the state board pursuant to Section 39662.

13 SEC. 135. Section 39668 of the Health and Safety
14 Code is amended to read:

15 39668. (a) The state board shall, on or before January
16 1, 1989, prepare a written report on the availability and
17 effectiveness of toxic air contaminant monitoring options
18 in consultation with the Scientific Review Panel on Toxic
19 Air Contaminants, the districts, the Department of ~~Food~~
20 ~~and Agriculture Pesticide Regulation~~, and the ~~State~~
21 ~~Department of Health Services Office of Environmental~~
22 ~~Health Hazard Assessment~~. In preparing the report, the
23 state board shall conduct at least one public workshop.
24 The report shall include, but not be limited to, all of the
25 following:

26 (1) An evaluation of existing toxic air contaminant
27 monitoring capacity and assessment capabilities within
28 the state, including, but not limited to, existing
29 monitoring stations and equipment of the state board and
30 of the districts.

31 (2) An analysis of the available options for monitoring
32 and assessing current levels of exposure to identified and
33 all potential toxic air contaminants in urban areas of the
34 state, taking into consideration the technical feasibility
35 and costs of these monitoring options. The report shall
36 evaluate the extent to which the establishment of
37 additional monitoring capacity is appropriate and
38 feasible to facilitate the identification and control of toxic
39 air contaminants.

40 (3) A list of all substances or classes of substances

1 addressed by the state board pursuant to paragraph (2),
2 including, but not limited to, a discussion of the
3 appropriateness and availability of monitoring for those
4 substances or classes of substances.

5 (4) An analysis of the feasibility and costs of
6 establishing an indoor toxic air contaminant monitoring
7 program to facilitate the implementation of Section
8 39660.5.

9 (b) Based on the findings in the report prepared
10 pursuant to subdivision (a), the state board shall develop,
11 by July 1, 1989, in conjunction with the districts,
12 guidelines for establishing supplemental toxic air
13 contaminant monitoring networks to be implemented by
14 the districts. The *state* board shall develop the guidelines
15 only to the extent that it determines, pursuant to
16 paragraph (2) of subdivision (a), that establishing
17 additional monitoring capacity is appropriate and
18 feasible.

19 (c) The guidelines established pursuant to subdivision
20 (b) shall include a priority list for establishing and
21 implementing the supplemental toxic air contaminant
22 monitoring networks. The state board shall give priority
23 to that supplemental monitoring capacity it determines
24 to be most needed to identify and control toxic air
25 contaminants. The state board shall allocate to districts, in
26 the priority order included in the guidelines, state funds
27 provided in subdivision (b) of Section 3 of the act adding
28 this section and in subsequent Budget Acts for
29 establishing and implementing the supplemental toxic
30 air contaminant monitoring networks. The state board
31 shall allocate state funds to the districts, upon
32 appropriation by the Legislature, on a 50 percent
33 matching basis, and shall not provide state funds for the
34 supplemental toxic air contaminant monitoring program
35 established by Section 40715 to any district in excess of
36 district funds allocated by the district in establishing and
37 implementing the supplemental monitoring networks
38 created pursuant to Section 40715.

39 (d) The state board shall request in its annual budget
40 sufficient state funds, in addition to those provided in

1 subdivision (b) of Section 3 of the act adding this section,
2 to match, on a 50 percent basis, those district funds
3 allocated by the districts for establishing and
4 implementing the supplemental monitoring program
5 specified in the guidelines adopted pursuant to
6 subdivision (b).

7 SEC. 136. Section 39670 of the Health and Safety
8 Code is amended to read:

9 39670. (a) A nine-member Scientific Review Panel
10 on Toxic Air Contaminants shall be appointed to advise
11 the state board and the Department of ~~Food and~~
12 ~~Agriculture~~ *Pesticide Regulation* in their evaluation of
13 the health effects toxicity of substances pursuant to
14 Article 3 (commencing with Section 39660) of this
15 chapter and Article 1.5 (commencing with Section 14021)
16 of Chapter 3 of Division 7 of the Food and Agricultural
17 Code.

18 (b) The members of the panel shall be highly qualified
19 and professionally active or engaged in the conduct of
20 scientific research, and shall be appointed as follows,
21 subject to Section 39671, for a term of three years:

22 (1) Five members shall be appointed by the Secretary
23 ~~of for~~ Environmental ~~Affairs~~ *Protection*, one of whom
24 shall be qualified as a pathologist, one of whom shall be
25 qualified as an oncologist, one of whom shall be qualified
26 as an epidemiologist, one of whom shall be qualified as an
27 atmospheric scientist, and one who shall have relevant
28 scientific experience and shall be experienced in the
29 operation of scientific review or advisory bodies.

30 (2) Two members shall be appointed by the Senate
31 Committee on Rules, one of whom shall be qualified as a
32 biostatistician and one of whom shall be a physician or
33 scientist specializing in occupational medicine.

34 (3) Two members shall be appointed by the Speaker
35 of the Assembly, one of whom shall be qualified as a
36 toxicologist and one of whom shall be qualified as a
37 biochemist or molecular biologist.

38 (4) Members of the panel shall be appointed from a
39 pool of nominees submitted to each appointing body by
40 the President of the University of California. The pool

1 shall include, at a minimum, three nominees for each
2 discipline represented on the panel, and shall include
3 only individuals who hold, or have held, academic or
4 equivalent appointments at universities and their
5 affiliates in California.

6 (c) The Secretary ~~of~~ *for* Environmental ~~Affairs~~
7 *Protection* shall appoint a member of the panel to serve
8 as chairperson.

9 (d) The panel may utilize special consultants or
10 establish ad hoc committees, which may include other
11 scientists, to assist it in performing its functions.

12 (e) Members of the panel, and any ad hoc committee
13 established by the panel, shall submit annually a financial
14 disclosure statement that includes a listing of income
15 received within the preceding three years, including
16 investments, grants, and consulting fees derived from
17 individuals or businesses which might be affected by
18 regulatory actions undertaken by the state board or
19 districts pursuant to this chapter. The financial disclosure
20 statements submitted pursuant to this subdivision are
21 public information. Members of the panel shall be subject
22 to the disqualification requirements of Section 87100 of
23 the Government Code.

24 (f) Members of the panel shall receive one hundred
25 dollars (\$100) per day for attending panel meetings and
26 meetings of the state board, or upon authorization of the
27 chairperson of the state board while on official business
28 of the panel, and shall be reimbursed for actual and
29 necessary travel expenses incurred in the performance of
30 their duties.

31 (g) The state board and the ~~State Department of~~
32 ~~Health Services~~ *Office of Environmental Health Hazard*
33 *Assessment*, and, in the case of economic poisons, the
34 Department of ~~Food and Agriculture~~ *Pesticide*
35 *Regulation*, shall provide sufficient resources for support
36 of the panel, including technical, administrative, and
37 clerical support, which shall include, but not be limited
38 to, office facilities and staff sufficient for the maintenance
39 of files, scheduling of meetings, arrangement of travel
40 accommodations, and preparation of panel findings, as

1 required by subdivision (b) of Section 39661.

2 SEC. 138. Section 41982 of the Health and Safety
3 Code is amended to read:

4 41982. The state board shall, after completing the
5 study referred to in Section 41981, in consultation with
6 the affected districts, *the Department of Toxic*
7 *Substances Control*, and the ~~Department of Health~~
8 ~~Services~~ *Office of Environmental Health Hazard*
9 *Assessment*, and after public hearings, establish
10 guidelines for the issuance of permits by the districts for
11 the incineration of toxic waste materials. The guidelines
12 shall take into consideration factors including, but not
13 limited to, the following:

14 (a) The characteristics of the toxic waste materials to
15 be incinerated.

16 (b) The methods or equipment available to minimize
17 or eliminate the emission of air contaminants.

18 (c) The applicable federal standards, including, but
19 not limited to, the regulations ~~found~~ in Part 264 of Title
20 40 of the Code of Federal Regulations (40 CFR 264)
21 concerning standards for owners and operators of
22 hazardous waste treatment, storage, and disposal
23 facilities. Where the guidelines deviate from the adopted
24 federal standards, the reason for the difference shall be
25 noted by the *state* board.

26 SEC. 139. Section 41983 of the Health and Safety
27 Code is amended to read:

28 41983. (a) This article shall not be construed as
29 preventing any district from establishing permit criteria
30 more stringent than the guidelines specified in Section
31 41982.

32 (b) This article shall not be construed as limiting the
33 authority of the Department of ~~Health Services~~ *Toxic*
34 *Substances Control* concerning hazardous waste control
35 (Chapter 6.5 (commencing with Section 25100) of
36 Division 20), or any regulations promulgated under the
37 authority of those provisions.

38 SEC. 140. Section 42315 of the Health and Safety
39 Code is amended to read:

40 42315. (a) No district shall issue or renew a permit

1 for the construction of, renew a permit for the operation
2 of, or issue a determination of compliance for, any project
3 which burns municipal waste or refuse-derived fuel
4 unless all of the following conditions have been met:

5 (1) The project will not prevent or interfere with the
6 attainment or maintenance of state and federal ambient
7 air quality standards.

8 (2) The project will comply with all applicable
9 emission limitations established prior to issuance of the
10 permit or the determination of compliance.

11 (3) The project will, after issuance of the permit or
12 determination of compliance, comply with toxic air
13 contaminant control measures adopted by the district
14 pursuant to Section 39666, and regulations adopted by the
15 district pursuant to Section 41700 for the protection of
16 public health. Notwithstanding Section 42301.5,
17 compliance with this subdivision shall be consistent with
18 a reasonable schedule, as determined by the district.

19 (4) (A) A health risk assessment is performed and is
20 submitted by the district to both the state board and the
21 ~~State Department of Health Services Office of~~
22 ~~Environmental Health Hazard Assessment~~ for review.
23 The state board shall review and, within 15 days, notify
24 the district and the applicant as to whether the data
25 pertaining to emissions and their impact on ambient air
26 quality are adequate for completing its review pursuant
27 to this subdivision, and what additional data, if any, are
28 required to complete its review. Within 45 days of
29 receiving the health risk assessment, the state board shall
30 submit its comments in writing to the district, on the data
31 pertaining to emissions and their impact on ambient air
32 quality. The district shall forward a copy of the comments
33 of the state board to the ~~State Department of Health~~
34 ~~Services office~~. The ~~State Department of Health Services~~
35 ~~office~~ shall review and, within 90 days of receiving the
36 health risk assessment, shall submit its comments to the
37 district on the data and findings relating to health effects.

38 (B) For purposes of complying with the requirements
39 of this paragraph, the ~~State Department of Health~~
40 ~~Services Office of Environmental Health Hazard~~

1 *Assessment* may select a qualified independent
2 contractor to review the data and findings relating to
3 health effects. In those cases, the review by the
4 independent contractor shall comply with the following
5 requirements:

6 (i) Be performed in a manner consistent with
7 guidelines provided by the ~~state department office~~.

8 (ii) Be reviewed by the ~~state department office~~ for
9 accuracy and completeness.

10 (iii) Be submitted by the ~~state department office~~ to
11 the district in accordance with the schedules established
12 by this paragraph.

13 (C) Notwithstanding Section 6103 of the Government
14 Code, the district shall reimburse the ~~State Department~~
15 ~~of Health Services Office of Environmental Health~~
16 ~~Hazard Assessment~~, or a qualified independent
17 contractor designated by the ~~state department office~~
18 pursuant to subparagraph (B), for its actual costs
19 incurred in reviewing a health risk assessment for any
20 project subject to this section.

21 (D) An application for any project which burns
22 municipal waste or refuse-derived fuel is not complete
23 until both of the following have been accomplished:

24 (i) The health risk assessment has been performed and
25 is submitted to the district.

26 (ii) The state board and the ~~State Department of~~
27 ~~Health Services Office of Environmental Health Hazard~~
28 ~~Assessment~~, or a qualified independent contractor
29 designated by the ~~state department office~~ pursuant to
30 subparagraph (B) have completed their review pursuant
31 to this paragraph, and have submitted their comments to
32 the district, unless the state board and the ~~State~~
33 ~~Department of Health Services office~~ have failed to
34 submit their comments to the district within 90 days and
35 the district makes a finding that the application contains
36 sufficient information for the district to begin its initial
37 review.

38 (E) This paragraph shall not apply to an application
39 for permit renewal for any project otherwise subject to
40 this section.

1 (5) The district finds and determines, based upon the
2 health risk assessment, comments from the state board
3 and the ~~State Department of Health Services Office of~~
4 *Environmental Health Hazard Assessment*, and any
5 other relevant information, that no significant increase in
6 the risk of illness or mortality, including, but not limited
7 to, increases in the risk of cancer and birth defects, is
8 anticipated as a result of air pollution from the
9 construction and operation of the project. This paragraph
10 shall not apply to an application for permit renewal for
11 any project otherwise subject to this section.

12 (6) Prior to, and during, commercial operation of the
13 project, periodic monitoring of emissions, including, but
14 not limited to, toxic air contaminants, is performed
15 pursuant to specifications established by the district.

16 (b) This section does not prohibit a district from
17 requiring ambient air monitoring under any other
18 provision of law.

19 (c) This section does not apply to any project which
20 does any of the following:

21 (1) Exclusively burns digester gas produced from
22 manure or other animal solid or semisolid waste.

23 (2) Exclusively burns methane gas produced from a
24 disposal site as defined in Section 66714.1 of the
25 Government Code, which is used only for the disposal of
26 solid waste as defined in Section 66719 of the Government
27 Code.

28 (3) Exclusively burns forest, agricultural, wood, or
29 other biomass wastes.

30 Nothing in this subdivision is intended to prohibit a
31 district from requiring those projects to meet one or
32 more of the conditions of this section.

33 (d) Nothing in this section prohibits the permit
34 applicant from entering into a contract with any person
35 pursuant to which the person may enforce this section or
36 any other provision of law.

37 SEC. 141. Section 43837 of the Health and Safety
38 Code is amended to read:

39 43837. (a) The Advisory Board on Air Quality and
40 Fuels is hereby created in state government.

1 (b) The purposes of the advisory board shall include
2 all of the following:

3 (1) Provide an independent group of public and
4 private individuals to assemble and evaluate information,
5 and provide judgments and recommendations with
6 regard to the necessity and feasibility of the
7 implementation of methanol-fueled vehicle production
8 and methanol availability mandates.

9 (2) Examine the technological feasibility and cost
10 effectiveness of the mandated production, sale, and
11 operation of methanol capable and dedicated
12 methanol-fueled vehicles by public and private fleet
13 operators and by the public, and of the phased
14 conversion, expansion, or improvement of the motor
15 vehicle fuel transport, storage, and distribution
16 infrastructure to methanol compatibility, in comparison
17 to other available air quality ~~strategies~~ *strategies*.

18 (3) Examine issues related to consumer acceptance of
19 methanol vehicles and the use of methanol fuel, including
20 vehicle performance and durability, fuel and vehicle
21 pricing, vehicle resale, the availability and the
22 convenience of fuel supply and distribution, relative to
23 other control technologies and fuels.

24 (4) Examine issues related to the economics of
25 methanol production and supply, including anticipated
26 price differentials between methanol, gasoline, and
27 diesel at the wholesale and retail levels, projected
28 methanol production capacity and primary raw materials
29 sources, quantities, and cost, and the impact of methanol
30 substitution on the state's energy security compared to
31 other available options for reducing vulnerability to
32 petroleum supply interruptions and rapid price
33 increases.

34 (5) Examine the relative environmental, and public
35 health and safety impacts and tradeoffs resulting from the
36 substitution of methanol fuel, compared to other
37 alternative fuels, technologies, and vehicles, including all
38 of the following:

39 (A) The effect on vehicular and nonvehicular
40 emissions, ambient air quality, and visibility.

1 (B) Public exposure and environmental
2 contamination from toxic substances associated with
3 fuels, including formaldehyde, benzene, methanol, and
4 gasoline.

5 (C) Safety and fuel handling and storage issues.

6 (6) Examine the effectiveness of tax incentives for
7 both industry and consumers and for government
8 purchases of methanol fuel in facilitating the transition to
9 increased use of methanol fuel.

10 (c) The advisory board shall consist of 17 members, of
11 whom four shall be public members, two appointed by
12 the Senate Committee on Rules, and two appointed by
13 the Speaker of the Assembly. The Governor shall appoint
14 the following 13 members of the commission and
15 designate the chairperson:

16 (1) The Secretary ~~of~~ for Environmental ~~Affairs~~
17 *Protection*.

18 (2) The Secretary of the Business, Transportation and
19 Housing Agency.

20 (3) The Chairperson of the State Energy Resources
21 Conservation and Development Commission.

22 (4) The chairperson of the south coast district and a
23 representative from a district in a nonattainment area.

24 (5) Three representatives of the California petroleum
25 fuel industry.

26 (6) One representative of the methanol industry.

27 (7) Two representatives of the domestic motor vehicle
28 manufacturing industry, one of whom shall represent
29 manufacturers of heavy-duty vehicles or engines.

30 (8) One representative of the imported motor vehicle
31 manufacturing industry.

32 (9) The Director of Food and Agriculture.

33 The advisory board may appoint additional ex officio
34 members.

35 (d) The advisory board may select an executive
36 director, approve study protocols, let contracts, including
37 selection of contractors, and conduct public hearings.

38 (e) The chairperson of the advisory board may
39 oversee the day-to-day operations of the advisory board,
40 chair meetings, appoint a vice chairperson, appoint

1 special task forces as necessary, establish the agenda, and
2 schedule meetings.

3 (f) The advisory board may request assistance from
4 the state board, the State Energy Resources Conservation
5 and Development Commission, the south coast district,
6 or other public bodies for administrative services and
7 staff support, and these agencies may provide these
8 services, to the extent they determine is feasible, within
9 existing budgetary resources. The advisory board may
10 solicit funds from other public or private sources, and
11 may accept private and public in-kind contributions,
12 including technical and professional support, to
13 accomplish the purposes of this chapter. The advisory
14 board shall report on the sources and amounts of funds or
15 contributions received.

16 (g) This section shall remain in effect only until
17 January 1, 1993, and as of that date is repealed, unless a
18 later enacted statute, which is enacted before January 1,
19 1993, deletes or extends that date.

20 SEC. 142. Section 44343 of the Health and Safety
21 Code is amended to read:

22 44343. The district shall review the reports submitted
23 pursuant to Section 44341 and shall, within 90 days,
24 review each report, obtain corrections and clarifications
25 of the data, and notify the ~~State Department of Health~~
26 ~~Services Office of Environmental Health Hazard~~
27 ~~Assessment~~, the Department of Industrial Relations, and
28 the city or county health department of its findings and
29 determinations as a result of its review of the report.

30 SEC. 143. Section 44360 of the Health and Safety
31 Code is amended to read:

32 44360. (a) Within 90 days of completion of the review
33 of all emissions inventory data for facilities specified in
34 subdivision (a) of Section 44322, but not later than
35 December 1, 1990, the district shall, based on examination
36 of the emissions inventory data and in consultation with
37 the state board and the ~~State Department of Health~~
38 ~~Services Office of Environmental Health Hazard~~
39 ~~Assessment~~, prioritize and then categorize those facilities
40 for the purposes of health risk assessment. The district

1 shall designate high, intermediate, and low priority
2 categories and shall include each facility within the
3 appropriate category based on its individual priority. In
4 establishing priorities pursuant to this section, the district
5 shall consider the potency, toxicity, quantity, and volume
6 of hazardous materials released from the facility, the
7 proximity of the facility to potential receptors, including,
8 but not limited to, hospitals, schools, daycare centers,
9 worksites, and residences, and any other factors that the
10 district finds and determines may indicate that the
11 facility may pose a significant risk to receptors. The
12 district shall hold a public hearing prior to the final
13 establishment of priorities and categories pursuant to this
14 section.

15 (b) Within 150 days of the designation of priorities and
16 categories pursuant to subdivision (a), the operator of
17 every facility that has been included within the highest
18 priority category shall prepare and submit to the district
19 a health risk assessment pursuant to Section 44361. The
20 district may, at its discretion, grant a 30-day extension for
21 submittal of the health risk assessment.

22 (c) Upon submission of emissions inventory data for
23 facilities specified in subdivisions (b) and (c) of Section
24 44322, the district shall designate facilities for inclusion
25 within the highest priority category, as appropriate, and
26 any facility so designated shall be subject to subdivision
27 (b). In addition, the district may require the operator of
28 any facility to prepare and submit health risk assessments,
29 in accordance with the priorities developed pursuant to
30 subdivision (a).

31 (d) The district shall, except where site specific factors
32 may affect the results, allow the use of a single health risk
33 assessment for two or more substantially identical
34 facilities operated by the same person.

35 SEC. 144. Section 44361 of the Health and Safety
36 Code is amended to read:

37 44361. (a) Each health risk assessment shall be
38 submitted to the district. The district shall make the
39 health risk assessment available for public review, upon
40 request. After preliminary review of the emissions

1 impact and modeling data, the district shall submit the
2 health risk assessment to the ~~State Department of Health~~
3 ~~Services Office of Environmental Health Hazard~~
4 ~~Assessment~~ for review and, within 180 days of receiving
5 the health risk assessment, the ~~State Department of~~
6 ~~Health Services office~~ shall submit to the district its
7 comments on the data and findings relating to health
8 effects. The district shall consult with the state board as
9 necessary to adequately evaluate the emissions impact
10 and modeling data contained within the risk assessment.

11 (b) For the purposes of complying with this section,
12 the ~~State Department of Health Services Office of~~
13 ~~Environmental Health Hazard Assessment~~ may select a
14 qualified independent contractor to review the data and
15 findings relating to health effects. The ~~State Department~~
16 ~~of Health Services office~~ shall not select an independent
17 contractor to review a specific health risk assessment who
18 may have a conflict of interest with regard to the review
19 of that health risk assessment. Any review by an
20 independent contractor shall comply with the following
21 requirements:

22 (1) Be performed in a manner consistent with
23 guidelines provided by the ~~State Department of Health~~
24 ~~Services office~~.

25 (2) Be reviewed by the ~~State Department of Health~~
26 ~~Services office~~ for accuracy and completeness.

27 (3) Be submitted by the ~~State Department of Health~~
28 ~~Services office~~ to the district in accordance with this
29 section.

30 (c) The district shall reimburse the ~~State Department~~
31 ~~of Health Services Office of Environmental Health~~
32 ~~Hazard Assessment~~ or the qualified independent
33 contractor designated by the ~~State Department of~~
34 ~~Health Services office~~ pursuant to subdivision (b), within
35 45 days of its request, for its actual costs incurred in
36 reviewing a health risk assessment pursuant to this
37 section.

38 (d) If a district requests the ~~State Department of~~
39 ~~Health Services Office of Environmental Health Hazard~~
40 ~~Assessment~~ to consult with the district concerning any

1 requirement of this part, the district shall reimburse the
2 ~~State Department of Health Services office~~, within 45
3 days of its request, for the costs incurred in the
4 consultation.

5 (e) Upon designation of the high priority facilities, as
6 specified in subdivision (a) of Section 44360, the ~~State~~
7 ~~Department of Health Services Office of Environmental~~
8 ~~Health Hazard Assessment~~ shall evaluate the staffing
9 requirements of this section and may submit
10 recommendations to the Legislature, as appropriate,
11 concerning the maximum number of health risk
12 assessments to be reviewed each year pursuant to this
13 section.

14 SEC. 145. Section 44362 of the Health and Safety
15 Code is amended to read:

16 44362. (a) Taking the comments of the ~~State~~
17 ~~Department of Health Services Office of Environmental~~
18 ~~Health Hazard Assessment~~ into account, the district shall
19 approve or return for revision and resubmission and then
20 approve, the health risk assessment within 180 days of
21 receipt. If the health risk assessment has not been revised
22 and resubmitted within 60 days of the district's request of
23 the operator to do so, the district may modify the health
24 risk assessment and approve it as modified.

25 (b) Upon approval of the health risk assessment, the
26 operator of the facility shall provide notice to all exposed
27 persons regarding the results of the health risk
28 assessment prepared pursuant to Section 44361 if, in the
29 judgment of the district, the health risk assessment
30 indicates there is a significant health risk associated with
31 emissions from the facility. If notice is required under this
32 subdivision, the notice shall include only information
33 concerning significant health risks attributable to the
34 specific facility for which the notice is required. Any
35 notice shall be made in accordance with procedures
36 specified by the district.

37 SEC. 146. Division 38 (commencing with Section
38 58001) is added to the Health and Safety Code, to read:

1 DIVISION 38. DEPARTMENT OF TOXIC
2 SUBSTANCES CONTROL

3
4 58000. There is, in the California Environmental
5 Protection Agency, the Department of Toxic Substances
6 Control.

7 58001. As used in this division:

8 (a) "Department" means the Department of Toxic
9 Substances Control.

10 (b) "Director" means the Director of Toxic
11 Substances Control.

12 58002. The Department of Toxic Substances Control
13 is under the control of an executive officer known as the
14 Director of Toxic Substances Control, who shall be
15 appointed by the Governor, subject to confirmation by
16 the Senate, and hold office at the pleasure of the
17 Governor.

18 The director shall receive the annual salary provided
19 by Chapter 6 (commencing with Section 11550) of Part
20 1 of Division 3 of Title 2 of the Government Code.

21 58002.5. The Governor may appoint a deputy to the
22 director. The deputy director shall hold office at the
23 pleasure of the director, and shall receive a salary fixed
24 by the director with the approval of the Department of
25 Personnel Administration.

26 58003. The director shall have the powers of a head
27 of a department pursuant to Chapter 2 (commencing
28 with Section 11150) of Part 1 of Division 3 of Title 2 of the
29 Government Code.

30 58004. The department succeeds to, and is vested
31 with, all the duties, powers, purposes, responsibilities, and
32 jurisdiction of the Toxic Substances Control Program of
33 the State Department of Health Services, including, but
34 not limited to, those powers and duties specified in
35 Chapter 6.5 (commencing with Section 25100), Chapter
36 6.7 (commencing with Section 25280), Chapter 6.75
37 (commencing with section 25299.10), Chapter 6.8
38 (commencing with Section 25300), Chapter 6.91
39 (commencing with Section 25410), Chapter 6.92
40 (commencing with Section 25420), Chapter 6.95

1 (commencing with Section 25500), and Chapter 6.97
2 (commencing with Section 25550) of Division 20.

3 58005. The department may use the unexpended
4 balance of funds available for use in connection with the
5 performance of the functions of the State Department of
6 Health Services to which the department of succeeds
7 pursuant to Section 58004.

8 58006. All officers and employees of the State
9 Department of Health Services who, on the effective
10 date of this section, are performing any duty, power,
11 purpose, responsibility, or jurisdiction to which the
12 department of succeeds, who are serving in the state civil
13 service, other than as temporary employees, and engaged
14 in the performance of a function vested in the
15 department by Section 58004 shall be transferred to the
16 department. The status, positions, and rights of those
17 persons shall not be affected by the transfer and shall be
18 retained by those persons as officers and employees of the
19 department, pursuant to the State Civil Service Act (Part
20 2 (commencing with Section 18500) of Division 5 of Title
21 2 of the Government Code), except as to positions
22 exempted from civil service.

23 58007. The department shall have possession and
24 control of all records, papers, offices, equipment,
25 supplies, moneys, funds, appropriations, licenses,
26 permits, agreements, contracts, claims, judgments, land,
27 and other property, real or personal, connected with the
28 administration of, or held for the benefit or use of, the
29 State Department of Health Services for the
30 performance of the functions transferred to the
31 department by Section 58004.

32 58008. All officers or employees of the department
33 employed after the effective date of this section shall be
34 appointed by the director.

35 58009. The department may commence and maintain
36 all proper and necessary actions and proceedings for any
37 or all of the following purposes:

38 (a) To enforce its rules and regulations.

39 (b) To enjoin and abate nuisances related to matters
40 within its jurisdiction which are dangerous to health.

1 (c) To compel the performance of any act specifically
2 enjoined upon any person, officer, or board, by any law
3 of this state relating to matters within its jurisdiction.

4 (d) On matters within its jurisdiction, to protect and
5 preserve the public health.

6 The department may defend all actions and
7 proceedings involving its powers and duties. In all actions
8 and proceedings, the department shall sue and be sued
9 under the name of the Department of Toxic Substances
10 Control.

11 58010. The department may abate public nuisances
12 related to matters within its jurisdiction.

13 58011. The department may advise all local health
14 authorities, and, when in its judgment the public health
15 is menaced by matters within its jurisdiction, the
16 department shall control and regulate their actions.

17 58012. (a) The department may adopt and enforce
18 rules and regulations for the execution of its duties.

19 (b) All regulations previously adopted by the State
20 Department of Health Services or its predecessors
21 relating to functions performed by the Toxic Substances
22 Control Program of the State Department of Health
23 Services, and in effect immediately preceding the
24 effective date of this section, shall remain in effect and
25 shall be fully enforceable unless and until readopted,
26 amended, or repealed by the director.

27 58013. Notwithstanding any other provision of law,
28 the department shall submit all of its rules and
29 regulations on matters related to statutory
30 responsibilities delegated to or enforced by local health
31 departments, except emergency rules and regulations, to
32 the California Conference of Local Health Officers for
33 review and comment prior to adoption. If the
34 department determines it to be appropriate to
35 implement the proposed rules and regulations or parts
36 thereof, contrary to the recommendations of the
37 conference, the department shall make a public finding
38 summarizing the reasons for acting contrary to those
39 recommendations.

40 58014. (a) When a dispute arises as to the

1 interpretation or enforcement of the adopted rules and
2 regulations of the department which are being enforced
3 by a city, city and county, county, or district, a request for
4 clarification or interpretation may be submitted to the
5 department. The department shall make a determination
6 of the proper interpretation and required enforcement
7 thereof when so requested by a party to the dispute.

8 (b) In making its determination, the department may
9 conduct a hearing, at which time all interested parties
10 may present comments or arguments relative to the
11 dispute.

12 (c) Determinations of the department made pursuant
13 to this section shall be transmitted to the concerned local
14 agency and the involved party within 60 days after the
15 receipt of the request. The determination of the
16 department shall be binding upon the local agency and
17 the party subject to the rules and regulations of the
18 department, except insofar as the matter may be subject
19 to judicial review.

20 58015. (a) The department shall annually compile
21 and publish the laws relating to the use, handling,
22 transportation, storage, and disposal of hazardous
23 materials, including, but not limited to, hazardous wastes,
24 flammable materials, corrosives, explosives, pesticides,
25 and radioactive materials together with laws relating to
26 administration, enforcement, and emergency response.
27 The compilation shall reflect the amendments, additions,
28 and deletions enacted each year.

29 (b) The department may contract with the Legislative
30 Counsel to prepare the compilation of laws required by
31 subdivision (a) and with the Department of General
32 Services to print and distribute the compilation. Copies
33 of the compilation shall be distributed at cost.

34 (c) It is the intent of the Legislature to appropriate
35 revenues received from the distribution of the
36 compilation to the department for carrying out the
37 purposes of this section.

38 58016. With the approval of the Department of
39 Finance, and for use in the furtherance of the work of the
40 Department of Toxic Substances Control, the director

1 may accept the following:

2 (a) Grants of interest in real property.

3 (b) Gifts of money from public agencies or from
4 organizations or associations organized for scientific,
5 educational, or charitable purposes.

6 58017. (a) The department may perform any of the
7 following activities relating to the protection,
8 preservation, and advancement of public health:

9 (1) Studies.

10 (2) Demonstrations of innovative methods.

11 (3) Evaluations of existing projects.

12 (4) Provision of training programs.

13 (5) Dissemination of information.

14 (b) In performing an activity specified in subdivision
15 (a), the department may do any of the following:

16 (1) Perform the activity directly.

17 (2) Enter into contracts, cooperative agreements, or
18 other agreements for the performance of the activity.

19 (3) Apply for and receive grants for the performance
20 of the activity.

21 (4) Award grants for the performance of the activity.

22 58018. (a) Notwithstanding any other provision of
23 law, the department, by rule or regulation, may provide
24 for the issuance and renewal on a two-year basis of
25 licenses, certificates of registration, or other indicia of
26 authority issued pursuant to Division 20 (commencing
27 with Section 25000) by the department or any agency in
28 the department.

29 (b) The department may, by rule or regulation, set the
30 fee for the two-year license, certificate of registration, or
31 other indicia, not to exceed twice the annual fee for
32 issuance or renewal set by statute.

33 SEC. 147. Division 39 (commencing with Section
34 59001) is added to the Health and Safety Code, to read:

35

36 DIVISION 39. OFFICE OF ENVIRONMENTAL
37 HEALTH HAZARD ASSESSMENT

38

39 59000. There is, in the California Environmental
40 Protection Agency, the Office of Environmental Health

1 Hazard Assessment.

2 59001. As used in this division:

3 (a) "Office" means the Office of Environmental
4 Health Hazard Assessment.

5 (b) "Director" means the Director of Environmental
6 Health Hazard Assessment.

7 59002. The Office of Environmental Health Hazard
8 Assessment is under the control of an executive officer
9 known as the Director of Environmental Health Hazard
10 Assessment, who shall be appointed by the Governor,
11 subject to confirmation by the Senate, and hold office at
12 the pleasure of the Governor.

13 The director shall have broad-based scientific expertise
14 as evidenced by a doctoral degree and work experience
15 in a biological or medical science.

16 The director shall receive the annual salary provided in
17 Chapter 6 (commencing with Section 11550) of Part 1 of
18 Division 3 of Title 2 of the Government Code.

19 59002.5. The Governor may appoint a deputy to the
20 director. The deputy director shall hold office at the
21 pleasure of the director, and shall receive a salary fixed
22 by the director with the approval of the Department of
23 Personnel Administration.

24 59003. The director shall have the powers of a head of
25 a department pursuant to Chapter 2 (commencing with
26 Section 11150) of Part 1 of Division 3 of Title 2 of the
27 Government Code.

28 59004. The office succeeds to, and is vested with, all
29 the duties, powers, purposes, responsibilities, and
30 jurisdiction of the Health Hazard Assessment Division of
31 the State Department of Health Services relating to
32 assessment of human health risks of chemicals and to
33 toxicologic and scientific consultation to programs in the
34 State Department of Health Services and in other state
35 agencies. The functions and responsibilities of the office
36 shall include, but not be limited to, those performed
37 pursuant to the following provisions of law:

38 (a) Article 6 (commencing with Section 32060) of
39 Chapter 1 of Part 19 of Division 1 of Title 1 of the
40 Education Code.

1 (b) Sections 217.6 and 7715 of the Fish and Game
2 Code.

3 (c) Article 10.5 (commencing with Section 12980),
4 Article 14 (commencing with Section 13121), and Article
5 15 (commencing with Section 13141) of Chapter 2 of
6 Division 7 of, Sections 13060 and 13061 of, and Article 1.5
7 (commencing with Section 14021) of Chapter 3 of
8 Division 7 of, the Food and Agricultural Code.

9 (d) Section 425 of, Chapter 9 (commencing with
10 Section 2950) of Division 3 of, Sections 25416, 25886.5 and
11 39606 of, Article 3 (commencing with Section 39660) of
12 Chapter 3.5 of Part 2 of Division 26 of, Sections 41982 and
13 42315 of, and Chapter 4 (commencing with Section
14 44360) of Part 6 of Division 26 of, this code.

15 (e) Section 21151.1 of the Public Resources Code.

16 59005. The office may use the unexpended balance of
17 funds available for use in connection with the
18 performance of the functions of the State Department of
19 Health Services to which it succeeds pursuant to Section
20 59004.

21 59006. All officers and employees of the State
22 Department of Health Services who, on the effective
23 date of this section, are serving in the state civil service,
24 other than as temporary employees, and engaged in the
25 performance of a function vested in the office by Section
26 59004 shall be transferred to the office. The status,
27 positions, and rights of those persons shall not be affected
28 by the transfer and shall be retained by those persons as
29 officers and employees of the office, pursuant to the State
30 Civil Service Act (Part 2 (commencing with Section
31 18500) of Division 5 of Title 2 of the Government Code),
32 except as to positions exempted from civil service.

33 59007. The office shall have possession and control of
34 all records, papers, offices, equipment, supplies, moneys,
35 funds, appropriations, licenses, permits, agreements,
36 contracts, claims, judgments, land, and other property,
37 real or personal, connected with the administration of, or
38 held for the benefit or use of, the State Department of
39 Health Services for the performance of functions
40 transferred to the office by Section 59004.

1 59008. All officers and employees of the office
2 employed after the effective date of this section shall be
3 appointed by the director.

4 59009. The office may commence and maintain all
5 proper and necessary actions and proceedings for any or
6 all of the following purposes:

7 (a) To enforce its rules and regulations.

8 (b) To enjoin and abate nuisances related to matters
9 within its jurisdiction which are dangerous to health.

10 (c) To compel the performance of any act specifically
11 enjoined upon any person, officer, or board, by any law
12 of this state relating to matters within its jurisdiction.

13 (d) On matters within its jurisdiction, to protect and
14 preserve the public health.

15 The office may defend all actions and proceedings
16 involving its powers and duties. In all actions and
17 proceedings, the office shall sue and be sued under the
18 name of the Office of Environmental Health Hazard
19 Assessment.

20 59010. The office may abate public nuisances related
21 to matters within its jurisdiction.

22 59011. The office may advise all local health
23 authorities, and, when in its judgment the public health
24 is menaced by matters within its jurisdiction, the office
25 shall control and regulate their actions.

26 59012. The office may adopt and enforce rules and
27 regulations for the execution of its duties.

28 59013. Notwithstanding any other provision of law,
29 the office shall submit all of its rules and regulations on
30 matters related to the statutory responsibilities delegated
31 to or enforced by local health departments, except
32 emergency rules and regulations, to the California
33 Conference of Local Health Officers for review and
34 comment prior to adoption. If the office determines it to
35 be appropriate to implement the proposed rules and
36 regulations or parts thereof, contrary to the
37 recommendations of the conference, the office shall
38 make a public finding summarizing the reasons for acting
39 contrary to those recommendations.

40 59014. With the approval of the Department of

1 Finance, and for use in furtherance of the work of the
2 office, the director may accept the following:

3 (a) Grants of interest in real property.

4 (b) Gifts of money from public agencies or from
5 organizations or associations organized for scientific,
6 educational, or charitable purposes.

7 59015. The office shall cause special investigations of
8 environmental sources of morbidity and mortality and
9 the effects of localities, employments, conditions, and
10 circumstances on the public health, and it shall perform
11 any other duties which may be required in procuring
12 information for state and federal agencies regarding the
13 effects of these conditions on the public health.

14 59016. (a) All records of interviews, written reports,
15 and statements procured by the office or by any other
16 person, agency, or organization acting jointly with the
17 office, in connection with special morbidity and mortality
18 studies shall be confidential insofar as the identify of the
19 individual patient is concerned and shall be used solely
20 for the purpose of the study. The furnishing of that
21 information to the office or its authorized representative,
22 or to any other cooperating individual, agency, or
23 organization in any such special study, shall not subject
24 any person, hospital, sanitarium, rest home, nursing
25 home, or other organization furnishing the information
26 to any action for damages. This section shall not apply to
27 general morbidity and mortality studies customarily and
28 continuously conducted by the office and which do not
29 involve patient identification.

30 (b) Nothing in this section prohibits the publishing by
31 the office of statistical compilations relating to morbidity
32 and mortality studies which do not identify cases and
33 sources of information or religious affiliations.

34 59017. (a) The office may perform any of the
35 following activities relating to assessment of human
36 health risks of chemicals, toxicologic, or scientific
37 consultation:

38 (1) Studies.

39 (2) Demonstrations of innovative methods.

40 (3) Evaluations of existing projects.

- 1 (4) Provision of training programs.
- 2 (5) Dissemination of information.
- 3 (b) In performing any activity specified in subdivision
- 4 (a), the office may do any of the following:
- 5 (1) Perform the activity directly.
- 6 (2) Enter into contracts, cooperative agreements, or
- 7 other agreements for the performance of the activity.
- 8 (3) Apply for and receive grants for the performance
- 9 of the activity.
- 10 (4) Award grants for the performance of the activity.

11 SEC. 148. Section 50.8 of the Labor Code is amended
12 to read:

13 50.8. The department shall develop a long range
14 program for upgrading and expanding the resources of
15 the State of California in the area of occupational health
16 and medicine. The program shall include a contractual
17 agreement with the University of California for the
18 creation of occupational health centers affiliated with
19 regional schools of medicine and public health. One such
20 occupational health center shall be situated in the
21 northern part of the state and one in the southern part.
22 The primary function of these occupational health
23 centers shall be the training of occupational physicians
24 and nurses, toxicologists, epidemiologists, and industrial
25 hygienists. In addition, the centers shall serve as referral
26 centers for occupational illnesses and shall engage in
27 research on the causes, diagnosis, and prevention of
28 occupational illnesses.

29 The centers shall also inform the Division of
30 Occupational Safety and Health ~~Administration~~ of the
31 Department of Industrial Relations, State Department of
32 Health Services, *the Office of Environmental Health*
33 *Hazard Assessment*, and the Department of ~~Food and~~
34 ~~Agriculture~~ *Pesticide Regulation* of their clinical and
35 research findings.

36 SEC. 148.5. Section 1684 of the Labor Code is
37 amended to read:

38 1684. The Labor Commissioner shall not issue to any
39 person a license to act as a farm labor contractor, nor shall
40 the Labor Commissioner renew that license, until all of

1 the following conditions are satisfied:

2 (a) The person has executed a written application
3 therefor in a form prescribed by the Labor
4 Commissioner, subscribed and sworn to by the person,
5 and containing all of the following:

6 (1) A statement by the person of all facts required by
7 the Labor Commissioner concerning the applicant's
8 character, competency, responsibility, and the manner
9 and method by which the person proposes to conduct
10 operations as a farm labor contractor if the license is
11 issued.

12 (2) The names and addresses of all persons, except
13 bona fide employees on stated salaries, financially
14 interested, either as partners, associates, or profit sharers,
15 in the proposed operation as a farm labor contractor,
16 together with the amount of their respective interests.

17 (3) A declaration consenting to the designation by a
18 court of the Labor Commissioner as an agent available to
19 accept service of summons in any action against the
20 licensee if the licensee has left the jurisdiction in which
21 the action is commenced or otherwise has become
22 unavailable to accept service.

23 (b) The Labor Commissioner, after investigation, is
24 satisfied as to the character, competency, and
25 responsibility of the person.

26 (c) The person has deposited with the Labor
27 Commissioner a surety bond in the amount of ten
28 thousand dollars (\$10,000). Where the contractor has
29 been the subject of a final judgment in a year in an
30 amount equal to that of the bond required, he or she shall
31 be required to deposit an additional bond within 60 days.
32 The bond shall be payable to the people of the State of
33 California and shall be conditioned that the farm labor
34 contractor will comply with all the terms and provisions
35 of this chapter and will pay all damages occasioned to any
36 person by failure to do so, or by any violation of this
37 chapter, or false statements or misrepresentations made
38 in the procurement of the license. The bond shall also be
39 payable for interest on wages and for any damages arising
40 from violation of orders of the Industrial Welfare

1 Commission, but shall not be payable for penalties on
2 nonpayment or late payment of wages pursuant to
3 Section 203. If a deposit is given instead of a bond, the
4 Labor Commissioner may charge reasonable legal fees
5 against the deposit for handling claims, other than wage
6 claims, filed against the deposit.

7 (d) The person has paid to the Labor Commissioner a
8 license fee of two hundred fifty dollars (\$250) plus a filing
9 fee of ten dollars (\$10). However, where a timely
10 application for renewal is filed, the ten-dollar (\$10) filing
11 fee is not required. The Labor Commissioner shall
12 deposit twenty-five dollars (\$25) of each licensee's annual
13 license fee into a separate account. Funds from this
14 account shall be disbursed by the Labor Commissioner
15 only to persons determined by the Labor Commissioner
16 to have been damaged by any licensee when the damage
17 exceeds the limits of the licensee's bond, or to persons
18 determined by the Labor Commissioner to have been
19 damaged by an unlicensed farm labor contractor. In
20 making these determinations, the Labor Commissioner
21 shall disburse funds from the account to satisfy claims
22 against farm labor contractors or unlicensed farm labor
23 contractors, which shall also include interest on wages
24 and any damages arising from the violation of orders of
25 the Industrial Welfare Commission, but shall not include
26 penalties on nonpayment or late payment of wages
27 pursuant to Section 203. Any disbursement of funds from the
28 account to satisfy a claim against an unlicensed farm labor
29 contractor shall not exceed ten thousand dollars
30 (\$10,000). Any disbursed funds subsequently recovered
31 by the Labor Commissioner pursuant to Section 1693, or
32 otherwise, shall be returned to the separate account.

33 (e) The person in an oral or written examination, or
34 both, demonstrates a degree of knowledge of the laws
35 and administrative regulations concerning farm labor
36 contractors as the Labor Commissioner deems necessary
37 for the safety and protection of farmers, farmworkers,
38 and the public. This examination shall include a
39 demonstration of knowledge of safe work practices
40 related to pesticide use, including all of the following

1 subjects:

2 (1) Field reentry regulations.

3 (2) Worker pesticide safety training.

4 (3) Employer responsibility for safe working
5 conditions.

6 (4) Symptoms and appropriate treatment of pesticide
7 poisoning.

8 The Labor Commissioner shall consult with the
9 Director of ~~Food and Agriculture~~ *Pesticide Regulation* in
10 preparing this examination and may charge a fee of not
11 more than thirty-five dollars (\$35) to cover the cost of
12 administration of the examination.

13 (f) The Labor Commissioner may renew a license
14 without requiring the applicant for renewal to take the
15 examination specified in subdivision (e) if the Labor
16 Commissioner finds that the applicant meets all of the
17 following criteria:

18 (1) Has satisfactorily completed the examination
19 during the immediately preceding four years.

20 (2) Has not during the preceding year been found to
21 be in violation of any pesticide worker safety
22 requirement, including, but not limited to, Division 7
23 (commencing with Section 12501) of the Food and
24 Agricultural Code.

25 (3) Has complied with all other requirements of this
26 section.

27 (g) The person has registered as a farm labor
28 contractor pursuant to the federal Migrant and Seasonal
29 Agricultural Worker Protection Act, when registration is
30 required pursuant to federal law.

31 SEC. 149. Section 6382 of the Labor Code is amended
32 to read:

33 6382. The director shall prepare and amend the list of
34 hazardous substances according to the following
35 procedure:

36 (a) Any substance designated in any of the following
37 listings in subdivision (b) shall be presumed by the
38 director to be potentially hazardous and shall be included
39 on the list; provided, that the director shall not list a
40 substance or form of the substance from the listings in

1 subdivision (b) if he or she finds, upon a showing
2 pursuant to the procedures set forth in Section 6380, that
3 the substance as present occupationally is not potentially
4 hazardous to human health; and provided further, that a
5 substance, mixture, or product shall not be considered
6 hazardous to the extent that the hazardous substance
7 present is in a physical state, volume, or concentration for
8 which there is no valid and substantial evidence that any
9 adverse acute or chronic risk to human health may occur
10 from exposure.

11 (b) The listings referred to in subdivision (a) are as
12 follows:

13 (1) Substances listed as human or animal carcinogens
14 by the International Agency for Research on Cancer
15 (IARC).

16 (2) Those substances designated by the
17 Environmental Protection Agency pursuant to Section
18 307 (33 U.S.C. Sec. 1317) and Section 311 (33 U.S.C. Sec.
19 1321) of the federal Clean Water Act of 1977 (33 U.S.C.
20 Sec. 1251 et seq.) or as hazardous air pollutants pursuant
21 to Section 112 of the federal Clean Air Act, as amended
22 (42 U.S.C. Sec. 7412) which have known, adverse human
23 health risks.

24 (3) Substances listed by the Occupational Safety and
25 Health Standards Board as an airborne chemical
26 contaminant pursuant to Section 142.3.

27 (4) Those substances designated by the Director of
28 ~~Food and Agriculture~~ *Pesticide Regulation* as restricted
29 materials pursuant to Section 14004.5 of the Food and
30 Agricultural Code which have known, adverse human
31 health risks.

32 (5) Substances for which an information alert has been
33 issued by the repository of current data established
34 pursuant to Section 147.2.

35 (c) The director shall at least every two years review
36 the listings in subdivision (b) and shall revise the list to
37 include new substances so listed or exclude substances no
38 longer on the listings, pursuant to the standards set forth
39 in subdivision (a).

40 (d) Notwithstanding Section 6381, in addition to those

1 substances on the director's list of hazardous substances,
2 any substance within the scope of the federal Hazard
3 Communication Standard (29 C.F.R. Sec. 1910.1200) is a
4 hazardous substance subject to this chapter.

5 SEC. 150. Section 6399.1 of the Labor Code is
6 amended to read:

7 6399.1. Compliance with regulations of the Director
8 of ~~Food and Agriculture~~ *Pesticide Regulation* issued
9 pursuant to Section 12981 of the Food and Agricultural
10 Code shall be deemed compliance with the obligations of
11 an employer toward his or her employees under this
12 chapter.

13 SEC. 151. Section 9009 of the Labor Code is amended
14 to read:

15 9009. "Use" means any use of a carcinogen by an
16 employer, including, but not limited to, the following:

17 (a) Manufacture of a carcinogen, industrial uses
18 thereof, or formation of a carcinogen as a result of a
19 chemical reaction.

20 (b) Sale or other transfer of a carcinogen.

21 (c) Storage or disposal of a carcinogen.

22 (d) Utilization of a carcinogen for research.

23 (e) Transport of a carcinogen. The State Department
24 of Health Services, *the Department of Toxic Substances*
25 *Control*, and the division shall have concurrent
26 jurisdiction with any federal agency to protect affected
27 employees of interstate carriers, including rail carriers,
28 while in this state, as provided in this part or as
29 authorized by other provisions of state law.

30 SEC. 152. Section 830.3 of the Penal Code is amended
31 to read:

32 830.3. The following persons are peace officers whose
33 authority extends to any place in the state for the purpose
34 of performing their primary duty or when making an
35 arrest pursuant to Section 836 of the Penal Code as to any
36 public offense with respect to which there is immediate
37 danger to person or property, or of the escape of the
38 perpetrator of that offense, or pursuant to Section 8597 or
39 8598 of the Government Code. These peace officers may
40 carry firearms only if authorized and under those terms

1 and conditions as are specified by their employing
2 agencies:

3 (a) Persons employed by the Division of Investigation
4 of the Department of Consumer Affairs and investigators
5 of the Medical Board of California and the Board of
6 Dental Examiners, who are designated by the Director of
7 Consumer Affairs, provided that the primary duty of
8 these peace officers shall be the enforcement of the law
9 as that duty is set forth in Section 160 of the Business and
10 Professions Code.

11 (b) Voluntary fire wardens as are designated by the
12 Director of Forestry *and Fire Protection* pursuant to
13 Section 4156 of the Public Resources Code, provided that
14 the primary duty of these peace officers shall be the
15 enforcement of the law as that duty is set forth in Section
16 4156 of that code.

17 (c) Employees of the Department of Motor Vehicles
18 designated in Section 1655 of the Vehicle Code, provided
19 that the primary duty of these peace officers shall be the
20 enforcement of the law as that duty is set forth in Section
21 1655 of that code.

22 (d) Investigators of the California Horse Racing Board
23 designated by the board, provided that the primary duty
24 of these peace officers shall be the enforcement of
25 Chapter 4 (commencing with Section 19400) of Division
26 8 of the Business and Professions Code and Chapter 10
27 (commencing with Section 330) of Title 9 of Part 1 of the
28 Penal Code.

29 (e) The State Fire Marshal and assistant or deputy
30 state fire marshals appointed pursuant to Section 13103 of
31 the Health and Safety Code, provided that the primary
32 duty of these peace officers shall be the enforcement of
33 the law as that duty is set forth in Section 13104 of that
34 code.

35 (f) Inspectors of the food and drug section as are
36 designated by the chief pursuant to subdivision (a) of
37 Section 216 of the Health and Safety Code, provided that
38 the primary duty of these peace officers shall be the
39 enforcement of the law as that duty is set forth in Section
40 216 of that code.

1 (g) All investigators of the Division of Labor Standards
2 Enforcement, as designated by the Labor Commissioner,
3 provided that the primary duty of these peace officers
4 shall be enforcement of the law as prescribed in Section
5 95 of the Labor Code.

6 (h) All investigators of the State Departments of
7 Health Services, Social Services, Mental Health,
8 Developmental Services, Alcohol and Drug Programs,
9 *the Department of Toxic Substances Control*, and the
10 Office of Statewide Health Planning and Development,
11 and the Public Employees' Retirement System, provided
12 that the primary duty of these peace officers shall be the
13 enforcement of the law relating to the duties of his or her
14 department, or office. Notwithstanding any other
15 provision of law, investigators of the Public Employees'
16 Retirement System shall not carry firearms.

17 (i) The Chief of the Bureau of Fraudulent Claims of
18 the Department of Insurance and those investigators as
19 designated by the chief, provided that the primary duty
20 of those investigators shall be enforcement of Section 556
21 of the Insurance Code.

22 (j) Employees of the Department of Housing and
23 Community Development designated under Section
24 18023 of the Health and Safety Code, provided that the
25 primary duty of these peace officers shall be the
26 enforcement of the law as that duty is set forth in Section
27 18023 of that code.

28 (k) Investigators of the office of the Controller,
29 provided that the primary duty of these investigators
30 shall be the enforcement of the law relating to the duties
31 of that office. Notwithstanding any other provision of law,
32 the peace officers designated pursuant to this subdivision
33 shall not carry firearms.

34 (l) Investigators of the Department of Corporations
35 designated by the Commissioner of Corporations,
36 provided that the primary duty of these investigators
37 shall be enforcement of the provisions of law
38 administered by the Department of Corporations.
39 Notwithstanding any other provision of law, the peace
40 officers designated pursuant to this subdivision shall not

1 carry firearms.

2 (m) Persons employed by the Contractors' State
3 License Board designated by the Director of Consumer
4 Affairs pursuant to Section 7011.5 of the Business and
5 Professions Code, provided that the primary duty of
6 these persons shall be the enforcement of the law as that
7 duty is set forth in Section 7011.5, and in Chapter 9
8 (commencing with Section 7000) of Division 3, of that
9 code. The Director of Consumer Affairs may designate as
10 peace officers not more than three persons who shall at
11 the time of their designation be assigned to the special
12 investigations unit of the board. Notwithstanding any
13 other provision of law, the persons designated pursuant
14 to this subdivision shall not carry firearms.

15 (n) The chief and coordinators of the Law
16 Enforcement Division of the Office of Emergency
17 Services.

18 (o) Investigators of the Office of the Secretary of
19 State, designated by the Secretary of State, provided that
20 the primary duty of these peace officers shall be the
21 enforcement of the law as prescribed in Chapter 3
22 (commencing with Section 8200) of Division 1 of Title 2
23 of the Government Code and Section 12172.5 of that
24 code. Notwithstanding any other provision of law, the
25 peace officers designated pursuant to this subdivision
26 shall not carry firearms.

27 (p) The Deputy Director for Security, as designated
28 by Section 8880.38 of the Government Code, and all
29 lottery security personnel assigned to the California State
30 Lottery and designated by the director, provided that the
31 primary duty of any of those peace officers shall be the
32 enforcement of the laws related to assuring the integrity,
33 honesty, and fairness of the operation and administration
34 of the California State Lottery.

35 (q) Investigators employed by the Investigation
36 Division of the Employment Development Department,
37 designated by the director of the department, provided
38 that the primary duty of those peace officers shall be the
39 enforcement of the law as that duty is set forth in Section
40 317 of the Unemployment Insurance Code.

1 Notwithstanding any other provision of law, the peace
2 officers designated pursuant to this subdivision shall not
3 carry firearms.

4 SEC. 153. Section 2807 of the Penal Code is amended
5 to read:

6 2807. (a) The authority is hereby authorized and
7 empowered to operate industrial, agricultural, and
8 service enterprises which will provide products and
9 services needed by the state, or any political subdivision
10 thereof, or by the federal government, or any
11 department, agency, or corporation thereof, or for any
12 other public use. Products may be purchased by state
13 agencies to be offered for sale to inmates of the
14 department and to any other person under the care of the
15 state who resides in state-operated institutional facilities.

16 (b) All things authorized to be produced under
17 subdivision (a) shall be purchased by the state, or any
18 agency thereof, and may be purchased by any county,
19 city, district, or political subdivision, or any agency
20 thereof, or by any state agency to offer for sale to persons
21 residing in state-operated institutions, at the prices fixed
22 by the board. State agencies shall make maximum
23 utilization of these products, and shall consult with the
24 staff of the authority to develop new products and adapt
25 existing products to meet their needs.

26 (c) The following state agencies and officers shall
27 report by January 1 of each year to the Director of
28 General Services and to the Chairperson of the Joint
29 Legislative Budget Committee on their use in the prior
30 fiscal year of goods and services provided by the
31 authority, and shall include comments on planned future
32 use of these goods and services:

33 (1) The State and Consumer Services Agency.

34 (2) The Business, Transportation and Housing
35 Agency.

36 (3) The Health and Welfare Agency.

37 (4) The Resources Agency.

38 (5) The Youth and Adult Correctional Agency.

39 (6) The *California* Environmental ~~Affairs~~ Protection
40 Agency.

- 1 (7) *The Department of Food and Agriculture.*
- 2 (8) *The Attorney General.*
- 3 (9) *The Secretary of State.*
- 4 (10) *The Treasurer.*
- 5 (11) *The Controller.*
- 6 (12) *The Superintendent of Public Instruction.*

7 Reports submitted under this subdivision shall be
8 specific as to department and unit under each agency's or
9 office's jurisdiction.

10 SEC. 153.5. Section 12458 of the Penal Code is
11 amended to read:

12 12458. Prior to certification of any tear gas or tear gas
13 weapon, the department shall request from the ~~State~~
14 ~~Department of Health~~ *Office of Environmental Health*
15 *Hazard Assessment* a report on each type and brand of
16 tear gas or the contents of each type and brand of tear gas
17 weapon submitted to it by the department. At the
18 Attorney General's discretion, the ~~State Department of~~
19 ~~Health~~ *office* shall prepare and transmit such report to
20 the department, and shall also submit supplemental
21 reports whenever the facts warrant such action. All the
22 reports shall be for the purpose of aiding the department
23 in determining whether the type and brand of tear gas or
24 the contents of the dispensed material of the particular
25 type and brand of tear gas weapon are harmful, toxic, or
26 present any health hazards to human beings, and shall be
27 based on any one or more of the following:

28 (a) Investigations conducted by the facilities of the
29 ~~State Department of Health~~ *office*.

30 (b) Investigations conducted by independent
31 laboratories.

32 (c) Any other investigations approved by the ~~State~~
33 ~~Department of Health~~ *office*.

34 The applicant shall reimburse the ~~State Department of~~
35 ~~Health~~ *office* and the Department of Justice for any
36 actual expenses incurred by ~~such departments~~ *them* in
37 connection with such reports.

38 SEC. 154. Section 10405 of the Public Contract Code
39 is amended to read:

40 10405. The following definitions govern the

1 construction of this article:

2 (a) "Department" means the ~~State~~ Department of
3 ~~Health Services Toxic Substances Control~~.

4 (b) "Industrial oil" means any compressor, turbine, or
5 bearing oil, hydraulic oil, metal-working oil, or
6 refrigeration oil.

7 (c) "Lubricating oil" means any oil intended for use in
8 an internal combustion crankcase, transmission, gearbox,
9 or differential or an automobile, bus, truck, vessel, plane,
10 train, heavy equipment, or machinery powered by an
11 internal combustion engine.

12 (d) "Procuring agency" means any state agency or
13 any person contracting with that agency with respect to
14 work performed under a contract for lubricating oil or
15 industrial oil.

16 (e) "Recycled oil" means recycled oil, as defined in
17 subdivision (c) of Section 25250.1 of the Health and Safety
18 Code.

19 (f) "Used oil" means used oil, as defined in subdivision
20 (a) of Section 25250.1 of the Health and Safety Code.

21 (g) "Virgin oil" means oil which has been refined from
22 crude oil and which has not been used or contaminated
23 with impurities.

24 SEC. 155. Section 3460 of the Public Resources Code
25 is amended to read:

26 3460. (a) As used in this article:

27 (1) "Used oil" has the same meaning as defined in
28 subdivision (a) of Section 25250.1 of the Health and Safety
29 Code.

30 (2) "Recycle" means to prepare used oil for reuse as a
31 petroleum product by refining, reclaiming, reprocessing,
32 or other means, in order to attain the standards specified
33 by subdivision (c) of Section 25250.1 of the Health and
34 Safety Code. "Recycle" does not include the application
35 of used oil to roads for the purpose of dust control or to
36 the ground for the purpose of weed abatement.
37 "Recycle" does not include incineration or burning of
38 used oil as a fuel.

39 (3) "Board" means the California *Integrated Waste*
40 *Management Board*.

1 (4) "Person" means any individual, private or public
2 corporation, partnership, cooperative, association, estate,
3 municipality, political or jurisdictional subdivision, or
4 government agency or instrumentality.

5 (b) The amendments made to this section at the 1987
6 portion of the 1987–88 Regular Session of the Legislature
7 do not affect the validity of any existing regulations of the
8 State Department of Health Services relating to the
9 management of used oil blended or diluted with virgin oil
10 or any partially refined oil product as a hazardous waste,
11 and do not affect the authority of the State Department
12 of ~~Health Services~~ *Toxic Substances Control* to prohibit
13 blending or diluting used oil with an uncontaminated
14 product to achieve the standards for recycled oil, as
15 specified in subdivision (c) of Section 25250.1 of the
16 Health and Safety Code.

17 SEC. 156. Section 3470 of the Public Resources Code
18 is amended to read:

19 3470. (a) All rules and regulations of the board shall
20 be adopted, amended, and repealed in accordance with
21 Chapter 3.5 (commencing with Section 11340) of Part 1
22 of Division 3 of Title 2 of the Government Code.

23 (b) The board shall coordinate activities and functions
24 with all other state agencies, including, but not limited to,
25 the State Department of ~~Health Services~~ *Toxic*
26 *Substances Control*, the Department of Water Resources,
27 and the State Water Resources Control Board, in order to
28 avoid duplication in reporting and information
29 gathering.

30 (c) The State Department of ~~Health Services~~ *Toxic*
31 *Substances Control* shall include a section in its report
32 prepared pursuant to Section 25178 of the Health and
33 Safety Code, based in part on information submitted in
34 accordance with Article 13 (commencing with Section
35 25250) of Chapter 6.5 of Division 20 of the Health and
36 Safety Code, summarizing information on used oil
37 collection and recycling, analyzing the effectiveness of
38 rules and regulations, and making recommendations for
39 necessary changes in the provisions or their
40 administration.

1 SEC. 157. Section 3472 of the Public Resources Code
2 is amended to read:

3 3472. The board shall maintain access to a toll-free
4 telephone number which is to be used for the sole
5 purpose of informing callers of the following:

6 (a) The permissible methods of recycling or disposing
7 of used oil.

8 (b) The types of establishments likely to be properly
9 equipped and authorized to accept used oil.

10 (c) Specific establishments located in the area of the
11 caller that have notified the board that they are properly
12 equipped and authorized to accept used oil.

13 (d) Specific oil recycling facilities in the area of the
14 caller that are authorized by the ~~State~~ Department of
15 ~~Health Services~~ *Toxic Substances Control* to receive used
16 oil and that have programs of used oil pickup.

17 SEC. 158. Section 6217 of the Public Resources Code
18 is amended to read:

19 6217. With the exception of revenues derived from
20 state school lands and from sources described in Sections
21 6217.6, 6301.5, 6301.6, 6855, and 8551 to 8558, inclusive, and
22 Section 6406 (insofar as the proceeds are from property
23 that has been distributed or escheated to the state in
24 connection with unclaimed estates of deceased persons),
25 the commission shall deposit in the State Treasury all
26 revenues, moneys, and remittances received by it under
27 this division, and under Chapter 138 of the Statutes of
28 1964, First Extraordinary Session, and these sums shall be
29 applied to the following obligations in the following
30 order:

31 (a) To the General Fund the revenue necessary to
32 provide in any fiscal year for the following:

33 (1) Payment of refunds, authorized by the commission
34 and approved by the State Board of Control, out of
35 appropriations made for that purpose by the Legislature.

36 (2) Payment of expenditures of the commission as
37 provided in the annual Budget Act approved by the
38 Legislature.

39 (3) Payments to cities and counties of the amounts
40 specified in Section 6817 for the purposes specified in that

1 section, and the revenues so deposited are appropriated
2 for such purpose.

3 (4) Payments to cities and counties of the amounts
4 agreed to pursuant to the provisions of Section 6875.

5 (b) To the California Water Fund each fiscal year the
6 amount of twenty-five million dollars (\$25,000,000).

7 (c) To the Central Valley Water Project Construction
8 Fund each fiscal year the amount of five million dollars
9 (\$5,000,000).

10 (d) To the General Fund, the amount of five hundred
11 twenty-five thousand dollars (\$525,000) for each of the
12 1989-90, 1990-91, 1991-92, 1992-93, and 1993-94 fiscal
13 years for distribution for public and private higher
14 education for use as up to two-thirds of the local matching
15 share for projects under the National Sea Grant College
16 and Program Act of 1966 (P.L. 89-688) approved, upon
17 the recommendation of the advisory panel appointed
18 pursuant to this section, by the Secretary of the Resources
19 Agency or his or her designee. The Secretary of the
20 Resources Agency shall submit a report to the Legislature
21 on or before January 1, 1993, which evaluates this
22 program and makes recommendations on whether
23 changes should be made to the program or whether it
24 should be continued. The Legislature shall consider
25 recommendations from the Secretary of the Resources
26 Agency and other interested parties on the benefits to the
27 people of the State of California derived from this
28 program and shall determine whether or not to continue
29 similar appropriations for subsequent fiscal years.

30 There shall be an advisory panel to the Secretary of the
31 Resources Agency consisting of 16 members, which shall
32 do all of the following:

33 (1) Identify state needs that might be met through Sea
34 Grant research projects, including, but not limited to,
35 such fields as living marine resources, aquaculture, ocean
36 engineering, marine minerals, public recreation, coastal
37 physical processes and coastal and ocean resources
38 planning and management, and marine data acquisition
39 and dissemination, establish priorities for those needs,
40 and transmit those needs and priorities to the Legislature

1 not later than January 1 of each year and include them in
2 all announcements of proposals for grants in the following
3 fiscal year.

4 (2) Review all applications for funding under this
5 section and make recommendations based upon the
6 priorities it establishes.

7 (3) Periodically review progress on Sea Grant
8 research projects subsequent to their approval and
9 funding under this section.

10 (4) Make recommendations to the Secretary of the
11 Resources Agency with respect to the implementation of
12 this section.

13 The Secretary of the Resources Agency shall appoint
14 the following members of the advisory panel, who shall
15 serve at the pleasure of the secretary:

16 (A) A representative of the Department of Boating
17 and Waterways.

18 (B) A representative of the Department of
19 Conservation.

20 (C) A representative of the Department of Fish and
21 Game.

22 (D) The Executive Director of the California Coastal
23 Commission or his or her designee.

24 (E) A representative of the fish industry.

25 (F) A representative of the aquaculture industry.

26 (G) A representative of the ocean engineering
27 industry.

28 (H) A representative of the University of California.

29 (I) A representative of the California State University.

30 (J) A representative of a private California institution
31 of higher education which is participating in the National
32 Sea Grant Program.

33 (K) A representative of the State Lands Commission.

34 (L) A representative of the ~~State Department of~~
35 ~~Health Services~~ *Office of Environmental Health Hazard*
36 *Assessment*.

37 (M) A representative of the State Water Resources
38 Control Board.

39 The Senate Committee on Rules shall appoint one
40 Member of the Senate to the panel, who shall serve at the

1 pleasure of the Senate Committee on Rules.

2 The Speaker of the Assembly shall appoint one
3 Member of the Assembly to the panel, who shall serve at
4 the pleasure of the Speaker. This member shall not be of
5 the same political party as the member appointed by the
6 Senate Committee on Rules.

7 The Secretary of the Resources Agency, or the
8 secretary's designee, shall serve as chairperson of the
9 panel. Panel members shall serve without compensation.

10 The Sea Grant research projects selected for state
11 support under this section shall have a clearly defined
12 benefit to the people of the State of California. The
13 Legislature hereby finds and declares that the funding
14 provided by this section is needed to stimulate the
15 development and utilization of ocean and coastal
16 resources by working constructively with private sector
17 firms and individuals. The Legislature further recognizes
18 the high productivity of the California Sea Grant
19 program, the only statewide program systematically
20 devoted to supporting fundamental research, education,
21 and extension activities on the diversity of problems
22 related to marine resource protection and development.
23 Nothing in this section shall be construed to preclude the
24 application for funding of any project that would be
25 eligible for funding under the terms of the National Sea
26 Grant College and Program Act of 1966.

27 (e) To the Capital Outlay Fund for Public Higher
28 Education for the 1984-85 fiscal year the amount of one
29 hundred two million one hundred sixty-eight thousand
30 dollars (\$102,168,000), and for each fiscal year thereafter,
31 the amount necessary to provide for an unencumbered
32 balance available for appropriation on July 1 of each fiscal
33 year of one hundred twenty-five million dollars
34 (\$125,000,000).

35 (f) (1) To the State School Building Lease-Purchase
36 Fund, for each of the fiscal years 1985-86, 1986-87,
37 1987-88, 1988-89, 1989-90, and 1990-91, the amount of one
38 hundred fifty million dollars (\$150,000,000).

39 (2) For the fiscal years 1984-85, 1985-86, 1986-87,
40 1987-88, 1988-89, 1989-90, and 1990-91, up to 5 percent of

1 the amounts deposited in the State School Building
2 Lease-Purchase Fund pursuant to this section or any
3 other provision of law may be spent in accordance with
4 Sections 17785 to 17795, inclusive, of the Education Code
5 (Emergency School Classroom Law of 1979).

6 (g) To the Energy and Resources Fund each fiscal
7 year, commencing with the 1985–86 fiscal year, the
8 amount of sixty-five million dollars (\$65,000,000).

9 (h) To the California Housing Trust Fund established
10 pursuant to Section 50841 of the Health and Safety Code,
11 for fiscal year 1989–90, the amount of twenty million
12 dollars (\$20,000,000).

13 (i) To the Special Account for Capital Outlay, the
14 balance of all revenues in excess of the amount
15 distributed under subdivisions (a), (b), (c), (d), (e), (f),
16 (g), and (h).

17 The commission may, with the approval of the State
18 Board of Control, authorize the refund of moneys
19 received or collected by it illegally or by mistake,
20 inadvertence, or error. Claims authorized by the
21 commission and approved by the State Board of Control
22 shall be filed with the Controller, and the Controller
23 shall draw his or her warrant against the General Fund
24 in payment of the refund from any appropriation made
25 for that purpose.

26 All references in any law to Section 6816 shall be
27 deemed to refer to this section.

28 SEC. 159. Section 21151.1 of the Public Resources
29 Code is amended to read:

30 21151.1. (a) Notwithstanding paragraph (6) of
31 subdivision (b) of Section 21080, or Section 21080.5 or
32 21084, or any other provision of law, a lead agency shall
33 prepare or cause to be prepared by contract, and certify
34 the completion of, an environmental impact report for
35 any project involving the burning of municipal wastes,
36 hazardous waste, or refuse-derived fuel, including, but
37 not limited to, tires, if the project is either of the
38 following:

39 (1) The construction of a new facility.

40 (2) The expansion of an existing facility which burns

1 hazardous waste which would increase its permitted
2 capacity by more than 10 percent.

3 This subdivision does not apply to any project
4 exclusively burning hazardous waste, for which a final
5 determination under Section 21080.1 has been made
6 prior to the effective date of Assembly Bill 58 of the
7 1989-90 Regular Session.

8 (b) For purposes of subdivision (a), the amount of
9 expansion of an existing facility shall be calculated by
10 comparing the proposed facility capacity with whichever
11 of the following is applicable:

12 (1) The facility capacity authorized in the facility's
13 hazardous waste facilities permit pursuant to Section
14 25200 of the Health and Safety Code or its grant of
15 interim status pursuant to Section 25200.5 of the Health
16 and Safety Code, or the facility capacity authorized in any
17 state or local agency permit allowing the construction or
18 operation of a facility for the burning of hazardous waste,
19 granted before January 1, 1990.

20 (2) The facility capacity authorized in the facility's
21 original hazardous waste facilities permit, grant of
22 interim status, or any state or local agency permit
23 allowing the construction or operation of a facility for the
24 burning of hazardous waste, granted on or after January
25 1, 1990.

26 (c) Subdivision (a) does not apply to any project
27 which does any of the following:

28 (1) Exclusively burns digester gas produced from
29 manure or any other solid or semisolid animal waste.

30 (2) Exclusively burns methane gas produced from a
31 disposal site as defined in Section 66714.1 of the
32 Government Code, which is used only for the disposal of
33 solid waste as defined in Section 66719 of the Government
34 Code.

35 (3) Exclusively burns forest, agricultural, wood, or
36 other biomass wastes.

37 (4) Exclusively burns hazardous waste in an
38 incineration unit which is transportable and which is
39 either at a site for not longer than three years or is part
40 of a remedial or removal action. For purposes of this

1 paragraph, “transportable” means any equipment which
2 performs a “treatment” as defined in Section 66216 of
3 Title 22 of the California Code of Regulations, and which
4 is transported on a vehicle as defined in Section 66230 of
5 Title 22 of the California Code of Regulations.

6 (5) Exclusively burns refinery waste in a flare on the
7 site of generation.

8 (6) Exclusively burns in a flare methane gas produced
9 at a municipal sewage treatment plant.

10 (7) Exclusively burns hazardous waste, or exclusively
11 burns hazardous waste as a supplemental fuel, as part of
12 a research, development, or demonstration project
13 which, consistent with federal regulations implementing
14 the Resource Conservation and Recovery Act of 1976
15 (Public Law 94-580) and amendments thereto, has been
16 determined to be innovative and experimental by the
17 ~~State Department of Health Services~~ *Toxic Substances*
18 *Control* and which is limited in type and quantity of
19 waste to that necessary to determine the efficacy and
20 performance capabilities of the technology or process;
21 provided, however, that any facility which operated as a
22 research, development, or demonstration project and for
23 which an application is thereafter submitted for a
24 hazardous waste facility permit for operation other than
25 as a research, development, or demonstration project
26 shall be considered a new facility for the burning of
27 hazardous waste and shall be subject to subdivision (a) of
28 Section 21151.1.

29 (8) Exclusively burns soils contaminated only with
30 petroleum fuels or the vapors from these soils.

31 (9) Exclusively treats less than 3,000 pounds of
32 hazardous waste per day in a thermal processing unit
33 operated in the absence of open flame, and submits a
34 worst-case health risk assessment of the technology to the
35 ~~State Department of Health Services~~ *Office of*
36 *Environmental Health Hazard Assessment* for review
37 and distribution to the interested public. This assessment
38 shall be prepared in accordance with guidelines set forth
39 in the Air Toxics Assessment Manual of the California Air
40 Pollution Control Officers Association.

1 (10) Exclusively burns less than 1,200 pounds of
2 infectious waste per day, as defined in Section 25117.5 of
3 the Health and Safety Code, on hospital sites.

4 (11) Exclusively burns chemicals and fuels as part of
5 firefighter training.

6 (12) Exclusively conducts open burns of explosives
7 subject to the requirements of the ~~local or regional~~ air
8 pollution control district, *or air quality management*
9 *district*, and in compliance with OSHA and Cal-OSHA
10 regulations.

11 (13) Exclusively conducts onsite burning of less than
12 3,000 pounds per day of fumes directly from a
13 manufacturing or commercial process.

14 (d) Subdivision (a) does not apply to any project for
15 which the State Energy Resources Conservation and
16 Development Commission has assumed jurisdiction
17 under Chapter 6 (commencing with Section 25500) of
18 Division 15.

19 (e) This section does not exempt any project from any
20 other requirement of this division.

21 SEC. 160. Section 25912 of the Public Resources Code
22 is amended to read:

23 25912. Prior to adopting any regulation which causes
24 a prohibition on the sale and installation of urea
25 formaldehyde foam insulation, the commission shall
26 consult with, and solicit written comments from, all of the
27 following:

28 (a) Federal and state agencies with appropriate
29 scientific staffs, including, but not limited to, the State
30 Department of Health Services, *the Office of*
31 *Environmental Health Hazard Assessment*, the National
32 Academy of Sciences, the United States Department of
33 Housing and Urban Development, the United States
34 Department of Energy, and the United States Consumer
35 Product Safety Commission.

36 (b) Universities and public and private scientific
37 organizations.

38 SEC. 161. Section 30420 of the Public Resources Code
39 is amended to read:

40 30420. Prior to taking any action on (1) a local coastal

1 program or any amendment thereto, (2) any coastal
2 development permit, or (3) any consistency
3 determination or certification, which relates to the
4 disposal of hazardous substances at sea, the commission
5 shall consult with the following governmental entities:

6 (a) State Department of ~~Health Services~~ *Toxic*
7 *Substances Control*.

8 (b) State Lands Commission.

9 (c) State Air Resources Board and relevant air
10 pollution control districts or air quality management
11 districts.

12 (d) Department of Fish and Game.

13 (e) State Water Resources Control Board and relevant
14 California regional water quality control boards.

15 (f) Secretary ~~of for~~ Environmental ~~Affairs~~ *Protection*.

16 (g) Governor's Office of Planning and Research.

17 (h) The local government located closest to the
18 proposed activity, or within whose jurisdiction the
19 activity is proposed, or within whose jurisdiction there
20 may be effects of the proposed activity.

21 SEC. 162. Section 35030 of the Public Resources Code
22 is amended to read:

23 35030. The Secretary ~~of for~~ Environmental ~~Affairs~~
24 *Protection*, after consulting with the California Coastal
25 Commission and the State Lands Commission concerning
26 offshore energy activities, shall award block grants to
27 coastal counties to be used for purposes of planning,
28 assessment, mitigation, permitting, monitoring and
29 enforcement, public services and facilities, and for other
30 activities, related to offshore energy development,
31 consistent with the requirements of the state's coastal
32 management program.

33 SEC. 163. Section 35031 of the Public Resources Code
34 is amended to read:

35 35031. Prior to receiving block grants under this
36 chapter, each coastal county shall submit a report to the
37 Secretary ~~of for~~ Environmental ~~Affairs~~ *Protection*
38 describing how the funds are to be expended. Before
39 submitting the report, each coastal county shall provide
40 opportunities for the public to review and comment on

1 the report and shall hold at least one public hearing on
2 the report.

3 SEC. 164. Section 35032 of the Public Resources Code
4 is amended to read:

5 35032. (a) The Secretary ~~of~~ *for* Environmental
6 ~~Affairs~~ *Protection* shall determine the amount of each
7 coastal county's block grant according to the following
8 formula:

9 (1) Twenty-five percent of the funds appropriated
10 pursuant to subdivision (a) of Section 35080 shall be
11 allocated based on an estimate of the amount of oil and
12 gas extracted from state or federal waters offshore of
13 California that is expected in the next five years to be (A)
14 landed in the county from offshore vessels and pipelines,
15 and (B) refined or processed in the county after being
16 transported through onshore pipelines which receive the
17 oil or gas from marine terminals in state waters.

18 (2) Twenty-five percent of the funds appropriated
19 pursuant to subdivision (a) of Section 35080 shall be
20 allocated on the basis of the number of federal and state
21 offshore tracts scheduled to be leased adjacent to the
22 county within five years.

23 (3) Twenty percent of the funds appropriated
24 pursuant to subdivision (a) of Section 35080 shall be
25 allocated on the basis of the coastal county's shoreline
26 mileage.

27 (4) Fifteen percent of the funds appropriated
28 pursuant to subdivision (a) of Section 35080 shall be
29 allocated on the basis of the coastal county's population.

30 (5) Twelve percent of the funds appropriated
31 pursuant to subdivision (a) of Section 35080 shall be
32 allocated on the basis of indirect effects of offshore oil
33 development, including, but not limited to, degradation
34 of air quality, increased need for public services due to
35 location of support facilities, and impacts on port
36 facilities. The Secretary ~~of~~ *for* Environmental ~~Affairs~~
37 *Protection* shall determine the allocation of these funds
38 based on evidence supplied by counties on the indirect
39 effects of offshore oil development.

40 (6) Fifty thousand dollars (\$50,000) of the funds

1 appropriated pursuant to subdivision (a) of Section 35080
2 which have not been allocated by other provisions of this
3 section shall be allocated to coastal counties on the same
4 basis that allocations are made pursuant to paragraphs
5 (1) to (5), inclusive.

6 (b) If, after applying that formula, a coastal county
7 would receive an amount greater than 20 percent of the
8 amount appropriated pursuant to subdivision (a) of
9 Section 35080, the Secretary ~~of~~ *for* Environmental
10 ~~Affairs~~ *Protection* shall reduce the amount allocable to
11 that county to 20 percent of the appropriated amount,
12 with the remainder shared by other coastal counties in
13 accordance with the formula.

14 (c) No coastal county shall receive less than 1 percent
15 of the amount appropriated pursuant to subdivision (a)
16 of Section 35080.

17 (d) Two percent of the amount appropriated pursuant
18 to subdivision (a) of Section 35080 shall be allocated to
19 the San Francisco Bay Conservation and Development
20 Commission for allocation to counties within its
21 jurisdiction that do not border on the Pacific Ocean.

22 (e) On an annual basis, the Secretary ~~of~~ *for*
23 ~~Environmental Affairs~~ *Protection* shall review and assess
24 county expenditures under this program. Not more than
25 two hundred thousand dollars (\$200,000) of the funds
26 appropriated pursuant to subdivision (a) of Section 35080
27 may be used by the Secretary ~~of~~ *for* Environmental
28 ~~Affairs~~ *Protection* to defray administrative costs.

29 SEC. 165. Section 35040 of the Public Resources Code
30 is amended to read:

31 35040. (a) The Secretary ~~of~~ *for* Environmental
32 ~~Affairs~~ *Protection*, after consulting with the California
33 Coastal Commission and the State Lands Commission
34 concerning offshore energy activities, shall award grants
35 to coastal cities to be used for the purposes of planning,
36 assessment, mitigation, permitting, monitoring and
37 enforcement, public services and facilities, and for other
38 activities related to offshore energy development,
39 consistent with the requirements of the state's coastal
40 management program.

1 (b) Prior to receiving grants under this chapter, each
2 coastal city shall submit a report to the Secretary ~~of for~~
3 Environmental ~~Affairs~~ Protection describing how the
4 funds are to be expended. Before submitting the report,
5 each coastal city shall provide opportunities for the
6 public to review and comment on the report and shall
7 hold at least one public hearing on the report.

8 SEC. 166. Section 35040.5 of the Public Resources
9 Code is amended to read:

10 35040.5. Any funds appropriated in accordance with
11 paragraph (b) of Section 35080 and not expended as
12 described in Section 35040, may be awarded by the
13 Secretary ~~of for~~ Environmental ~~Affairs~~ Protection for
14 technical and financial assistance to coastal cities with
15 approved local coastal programs to help them exercise
16 effectively their responsibility for improving the
17 management of the state's coastal resources. Technical
18 and financial assistance shall be made available to coastal
19 cities to do any of the following:

20 (a) Protect wetlands, flood plains, estuaries, beaches,
21 dunes, and fish and wildlife and their habitat within
22 coastal areas.

23 (b) Minimize the loss of life and property in coastal
24 flood-prone, storm surge, geologic hazard, and
25 erosion-prone areas.

26 (c) Provide public access to the coast for recreational
27 purposes, to acquire coastal view sheds, and to preserve
28 and restore historic, cultural, and esthetic coastal sites.

29 (d) Facilitate the process for siting major facilities
30 along the coast related to fisheries, recreation, and ports
31 and other coastal dependent commercial uses, giving full
32 consideration to environmental concerns as well as the
33 need for economic development.

34 (e) Promote other coastal management
35 improvements determined by the Secretary ~~of for~~
36 Environmental ~~Affairs~~ Protection to be consistent with
37 the state's coastal management program.

38 SEC. 167. Section 35041 of the Public Resources Code
39 is amended to read:

40 35041. The Secretary ~~of for~~ Environmental ~~Affairs~~

1 *Protection*, in cooperation with the California Coastal
2 Commission, shall develop and implement an application
3 process to award local governments financial and
4 technical assistance pursuant to this chapter on or before
5 July 1, 1986.

6 SEC. 168. Section 35061 of the Public Resources Code
7 is amended to read:

8 35061. "Secretary" means the Secretary ~~of~~ *for*
9 Environmental ~~Affairs~~ *Protection*.

10 SEC. 169. Section 35080 of the Public Resources Code
11 is amended to read:

12 35080. The sum of thirty-eight million dollars
13 (\$38,000,000) of federal escrow funds received by the
14 state pursuant to Section 8(g) of the Outer Continental
15 Shelf Lands Act, as amended (43 U.S.C. Sec. ~~1337 (g)~~
16 *1337(g)*), is hereby appropriated or allocated for
17 appropriation, as the case may be, from the Federal Trust
18 Fund, for the purposes of this division, as follows:

19 (a) Twenty-five million dollars (\$25,000,000) shall be
20 deposited in the Offshore Energy Assistance Fund, which
21 is hereby created in the State Treasury, and,
22 notwithstanding Section 13340 of the Government Code,
23 is hereby appropriated, without regard to fiscal years, to
24 the Secretary ~~of~~ *for* Environmental ~~Affairs~~ *Protection*
25 for the purposes of Chapter 3 (commencing with Section
26 35030).

27 (b) Ten million five hundred thousand dollars
28 (\$10,500,000) shall be deposited in the Local Coastal
29 Program Improvement Fund, which is hereby created in
30 the State Treasury, and is hereby appropriated without
31 regard to fiscal years to the Secretary ~~of~~ *for*
32 Environmental ~~Affairs~~ *Protection* for the purposes of
33 Chapter 4 (commencing with Section 35040). If the
34 money available for the purposes of this division is
35 reduced, the appropriation in this subdivision shall be
36 reduced or eliminated prior to the reduction of the
37 appropriations contained in the remainder of this section.

38 (c) Two million five hundred thousand dollars
39 (\$2,500,000) shall be deposited in a separate account in
40 the Fish and Game Preservation Fund and shall be

1 available for appropriation to the Department of Fish
2 and Game for the purposes of Chapter 5 (commencing
3 with Section 35050) in accordance with the following
4 allocation:

5 (1) Two million two hundred fifty thousand dollars
6 (\$2,250,000) for the purposes of subdivision (a) of Section
7 35050.

8 (2) Two hundred fifty thousand dollars (\$250,000) for
9 the purposes of subdivision (b) of Section 35050.

10 SEC. 170. Section 36300 of the Public Resources Code
11 is amended to read:

12 36300. The Ocean Resources Task Force is hereby
13 created in state government. The task force is comprised
14 of the following or their designee: the Secretary ~~of~~ *for*
15 Environmental ~~Affairs~~ *Protection*, the Secretary of the
16 Resources Agency, the Director of Commerce, the ~~State~~
17 Director of ~~Health Services~~ *Environmental Health*
18 *Hazard Assessment*, the Secretary of the Business,
19 Transportation and Housing Agency, the Chairperson or
20 Executive Officer of the State Lands Commission as
21 determined by the commission, the Chairperson or
22 Executive Director of the California Coastal Commission
23 as determined by the commission, the Chairperson or
24 Executive Officer of the *State* Coastal Conservancy as
25 determined by the conservancy, the Chairperson or
26 Executive Director of the San Francisco Bay
27 Conservation and Development Commission as
28 determined by the commission, the Director of
29 Conservation, the Director of Fish and Game, the
30 Director of Boating and Waterways, the Director of Parks
31 and Recreation, the Chairperson of the Mining and
32 Geology Board, the Chairperson or Executive Director of
33 the State Water Resources Control Board as determined
34 by the board, the Executive Officer of each California
35 regional water quality control board for a coastal region,
36 the Director of Finance, the Chairperson or Executive
37 Director of the State Energy Resources Conservation and
38 Development Commission as determined by the
39 commission, the Chairperson of the State Air Resources
40 Board, the Chairperson of the Senate Committee on

1 Natural Resources and Wildlife, the Chairperson of the
2 Assembly Natural Resources Committee, the President of
3 the University of California, the Chancellor of the
4 California State University, and the Director of the
5 California Sea Grant program.

6 SEC. 171. Section 36301 of the Public Resources Code
7 is amended to read:

8 36301. The chairperson of the task force shall be the
9 Secretary ~~of for~~ Environmental ~~Affairs~~ Protection, who
10 shall provide all staff support required by the task force.
11 The task force shall meet at the call of the chairperson.

12 SEC. 172. Section 40055 of the Public Resources Code
13 is amended to read:

14 40055. (a) This division, or any rules or regulations
15 adopted pursuant thereto, is not a limitation on the
16 power of any state agency in the enforcement or
17 administration of any provision of law which it is
18 specifically authorized or required to enforce or
19 administer, including, but not limited to, the exercise by
20 the state water board or the regional water boards of any
21 of their powers and duties pursuant to Division 7
22 (commencing with Section 13000) of the Water Code, the
23 exercise by the ~~State Department of Health Services~~
24 *Toxic Substances Control* of any of its powers and duties
25 pursuant to Chapter 6.5 (commencing with Section
26 25100) of Division 20 of the Health and Safety Code, and
27 the exercise by the State Air Resources Board or any air
28 pollution control district or air quality management
29 district of any of its powers and duties pursuant to Part
30 3 (commencing with Section 40000) of Division 26 of the
31 Health and Safety Code.

32 (b) The exercise of authority under this division,
33 including, but not limited to, the adoption of regulations,
34 plans, permits, or standards or any enforcement actions
35 shall not duplicate or be in conflict with any
36 determination relating to water quality control made by
37 the state water board or regional water boards.

38 (c) Any plans, permits, standards, or corrective action
39 taken under this division shall incorporate, as a condition
40 of the action, any applicable waste discharge

1 requirements issued by the state water board or a
2 regional water board, and shall be consistent with all
3 applicable water quality control plans adopted pursuant
4 to Section 13170, and Article 3 (commencing with Section
5 13240) of Chapter 4 of Division 7, of the Water Code and
6 the state policies for water quality control adopted
7 pursuant to Article 3 (commencing with Section 13140)
8 of Chapter 3 of Division 7 of the Water Code existing at
9 the time of the action or proposed action.

10 SEC. 173. Section 40400 of the Public Resources Code
11 is amended to read:

12 40400. There is in the ~~Resources~~ *California*
13 *Environmental Protection* Agency the California
14 Integrated Waste Management Board. Any reference in
15 any law or regulation to the State Solid Waste
16 Management Board or the California Waste Management
17 Board shall hereafter apply to the California Integrated
18 Waste Management Board.

19 SEC. 174. Section 42820 of the Public Resources Code
20 is amended to read:

21 42820. (a) On or before July 1, 1991, the board, in
22 consultation with the State Fire Marshal and the ~~State~~
23 ~~Department of Health Services~~ *Office of Environmental*
24 *Health Hazard Assessment*, shall adopt emergency
25 regulations setting forth the procedures and
26 requirements necessary to obtain a major waste tire
27 facility permit.

28 (b) Regulations adopted pursuant to subdivision (a)
29 shall not require the issuance of a separate permit to a
30 solid waste disposal facility which is permitted pursuant
31 to Chapter 3 (commencing with Section 44001) of Part 4.

32 SEC. 175. Section 42830 of the Public Resources Code
33 is amended to read:

34 42830. (a) On or before December 1, 1991, the board,
35 in consultation with the State Fire Marshal and the ~~State~~
36 ~~Department of Health Services~~ *Office of Environmental*
37 *Health Hazard Assessment*, shall adopt emergency
38 regulations setting forth the procedures and
39 requirements necessary to obtain a minor waste tire
40 facility permit.

1 (b) Regulations adopted pursuant to subdivision (a)
2 shall not require the issuance of a separate permit to a
3 solid waste disposal facility which is permitted pursuant
4 to Chapter 3 (commencing with Section 44001) of Part 4.

5 SEC. 176. Section 43210 of the Public Resources Code
6 is amended to read:

7 43210. For those facilities which accept only
8 hazardous wastes, or which accept only low-level
9 radioactive wastes, or facilities which only accept both,
10 and to which the provisions of Chapter 6.5 (commencing
11 with Section 25100) or Chapter 7.6 (commencing with
12 Section 25800) of Division 20 of the Health and Safety
13 Code apply, the board and the enforcement agency have
14 no enforcement or regulatory authority. All enforcement
15 activities for the facilities relative to the control of
16 hazardous wastes ~~or shall be performed by the~~
17 *Department of Toxic Substances Control pursuant to*
18 *Article 8 (commencing with Section 25180) of Chapter*
19 *6.5 of Division 20 of the Health and Safety Code, and all*
20 *enforcement activities relative to the control of low-level*
21 *radioactive wastes shall be performed by the State*
22 *Department of Health Services pursuant to Article 8*
23 ~~*(commencing with Section 25180) of Chapter 6.5 or*~~
24 *Chapter 7.6 (commencing with Section 25800) of*
25 *Division 20 of the Health and Safety Code.*

26 SEC. 177. Section 43211 of the Public Resources Code
27 is amended to read:

28 43211. For those facilities which accept both
29 hazardous wastes and other solid wastes, the ~~State~~
30 ~~Department of Health Services~~ *Toxic Substances Control*
31 shall exercise enforcement and regulatory powers
32 relating to the control of the hazardous wastes at the
33 facility pursuant to Chapter 6.1 (commencing with
34 Section 25015) and Article 8 (commencing with Section
35 25180) of Chapter 6.5 of Division 20 of the Health and
36 Safety Code. The board shall, at mixed waste disposal
37 facilities, exercise enforcement and regulatory powers
38 relating to the control of solid wastes other than
39 hazardous wastes at the facility pursuant to this chapter.

40 SEC. 178. Section 43308 of the Public Resources Code

1 is amended to read:
2 43308. For those facilities which accept only
3 hazardous wastes and to which Chapter 6.1
4 (commencing with Section 25015) and Chapter 6.5
5 (commencing with Section 25100) of Division 20 of the
6 Health and Safety Code apply, or which accept only
7 low-level radioactive wastes and to which Chapter 7.6
8 (commencing with Section 25800) of Division 20 of the
9 Health and Safety Code applies, or for those facilities
10 which accept both, the board shall have no enforcement
11 or regulatory authority. Except as otherwise provided in
12 Section 40052, all enforcement activities for those
13 facilities relative to the control of hazardous wastes ~~or~~
14 *shall be performed by the Department of Toxic*
15 *Substances Control pursuant to Article 8 (commencing*
16 *with Section 25180) of Chapter 6.5 of Division 20 of the*
17 *Health and Safety Code, and all enforcement activities*
18 *for those facilities relative to low-level radioactive wastes*
19 *shall be performed by the State Department of Health*
20 *Services pursuant to Article 8 (commencing with Section*
21 *25180) of Chapter 6.5 or pursuant to Chapter 7.6*
22 *(commencing with Section 25800) of Division 20 of the*
23 *Health and Safety Code.*

24 SEC. 179. Section 44103 of the Public Resources Code
25 is amended to read:

26 44103. (a) For those facilities which accept only
27 hazardous wastes, or which accept only low-level
28 radioactive wastes, or which accept both, a solid waste
29 facilities permit issued by the enforcement agency is not
30 required. A single hazardous waste facilities permit or
31 low-level radioactive waste facilities permit issued by the
32 ~~State Department of Health Services~~ *Toxic Substances*
33 *Control* pursuant to Article 9 (commencing with Section
34 25200) of Chapter 6.5, or *by the State Department of*
35 *Health Services pursuant to Chapter 7.6 (commencing*
36 *with Section 25800), of Division 20 of the Health and*
37 *Safety Code shall be the only waste facilities permit or*
38 *permits necessary for the use and operation of hazardous*
39 *waste or low-level radioactive waste disposal facilities.*

40 (b) For those facilities which accept both hazardous

1 wastes and other solid wastes, two permits shall be
2 required, as follows:

3 (1) The hazardous waste facilities permit issued by the
4 ~~State Department of Health Services~~ *Toxic Substances*
5 *Control* pursuant to Article 9 (commencing with Section
6 25200) of Division 20 of the Health and Safety Code.

7 (2) The solid waste facilities permit issued by the
8 enforcement agency pursuant to this chapter.

9 (c) Nothing in this section limits or supersedes any
10 other permit or licensing requirements imposed by other
11 provisions of law.

12 SEC. 180. Section 45301 of the Public Resources Code
13 is amended to read:

14 45301. At least 10 days before issuing an enforcement
15 order which is not for an emergency, within five days
16 after issuing an enforcement order for an emergency, or
17 within 15 days after discovering a violation of a state law,
18 regulation, or term or condition of a permit, for a solid
19 waste disposal site which is likely to result in an
20 enforcement action, the following agencies shall provide
21 a written statement providing an explanation of, and
22 justification for, the enforcement order or a description
23 of the violation in the following manner:

24 (a) The enforcement agency shall provide the
25 statement to the regional water board, to the air pollution
26 control district or air quality management district, and to
27 the ~~State Department of Health Services~~ *Toxic*
28 *Substances Control*.

29 (b) A regional water board shall provide the
30 statement to the enforcement agency, the air pollution
31 control district or air quality management district, and
32 the ~~State Department of Health Services~~ *Toxic*
33 *Substances Control*.

34 (c) An air pollution control district or an air quality
35 management district shall provide the statement to the
36 enforcement agency, the regional water board, and the
37 ~~State Department of Health Services~~ *Toxic Substances*
38 *Control*.

39 (d) The ~~State Department of Health Services~~ *Toxic*
40 *Substances Control* shall provide the statement to the

1 enforcement agency, the regional water board, and the
2 air pollution control district or air quality management
3 district.

4 SEC. 181. Section 45302 of the Public Resources Code
5 is amended to read:

6 45302. Within 10 days after receiving a notice of the
7 issuance of, or the proposal to issue, an enforcement
8 order pursuant to Section 45301, the regional water
9 board, the enforcement agency, or the air pollution
10 control district or the air quality management district,
11 and the ~~State Department of Health Services Toxic~~
12 *Substances Control* shall inspect the solid waste disposal
13 site to determine whether any state law, regulation, or
14 term or condition of a permit, which that board or agency
15 is authorized to enforce, is being violated.

16 SEC. 182. Section 46101 of the Public Resources Code
17 is amended to read:

18 46101. The committee is composed of seven
19 members, as follows:

20 (a) The ~~State Director of Health Services Toxic~~
21 *Substances Control*, or a designee of the director.

22 (b) The Chairperson of the State Water Resources
23 Control Board, or a designee of the chairperson.

24 (c) The Chairperson of the State Air Resources Board,
25 or a designee of the chairperson.

26 (d) The chairperson of the board, or a designee of the
27 chairperson.

28 (e) A member appointed by the Senate Committee on
29 Rules.

30 (f) A member appointed by the Speaker of the
31 Assembly.

32 (g) A member, who shall be a county health officer,
33 appointed by the Governor.

34 SEC. 183. Section 46102 of the Public Resources Code
35 is amended to read:

36 46102. The Secretary ~~of for Environmental Affairs~~
37 *Protection* shall serve, ex officio, as chairperson of the
38 committee.

39 SEC. 184. Section 48502 of the Public Resources Code
40 is amended to read:

1 48502. Notwithstanding any other provision of law,
2 the powers and duties of the ~~State~~ Department of ~~Health~~
3 ~~Services Toxic Substances Control~~ pursuant to Chapter
4 6.5 (commencing with Section 25100) of Division 20 of
5 the Health and Safety Code, including those concerning
6 the issuance of permits for hazardous waste disposal sites,
7 enforcement activities related to the handling,
8 transportation, storage, use, processing, and disposal of
9 hazardous wastes, and the development of programs for
10 the recycling and recovery of resources from hazardous
11 wastes, shall not be assumed or duplicated by the board
12 pursuant to its responsibilities, powers, and duties
13 provided in this division.

14 SEC. 185. Section 43002.3 of the Revenue and
15 Taxation Code is amended to read:

16 43002.3. For purposes of the collection of the fees
17 specified in subdivision (a) of Section 25174 and the fee
18 imposed pursuant to Section 25174.1 of the Health and
19 Safety Code, a determination by the ~~State~~ Department
20 of ~~Health Services Toxic Substances Control~~ that a waste
21 is nonhazardous shall be effective only for wastes
22 disposed of, or submitted for disposal, commencing with
23 the month during which the ~~State~~ Department of
24 ~~Health Services Toxic Substances Control~~ receives a
25 completed application for that determination.

26 SEC. 186. Section 43010 of the Revenue and Taxation
27 Code is amended to read:

28 43010. "Department" means the ~~State~~ Department
29 of ~~Health Services Toxic Substances Control~~.

30 SEC. 187. Section 43011 of the Revenue and Taxation
31 Code is amended to read:

32 43011. "Director" means the ~~State~~ Director of
33 ~~Health Services Toxic Substance Control~~.

34 SEC. 188. Section 2502 of the Vehicle Code is
35 amended to read:

36 2502. (a) Except as otherwise provided in this
37 section, each application for a new or renewal license
38 shall be accompanied by a fee of ten dollars (\$10) for a
39 new license or five dollars (\$5) for a renewal license. This
40 subdivision does not apply to licenses for transportation

1 of hazardous material or operation of ambulances.

2 (b) Each application for a new or renewal license for
3 the operation of ambulances shall be accompanied by a
4 fee not to exceed two hundred dollars (\$200) for a new
5 license or one hundred fifty dollars (\$150) for a renewal
6 license.

7 (c) Except as provided in subdivision (d), each
8 application for a new or renewal license to transport
9 hazardous material shall be accompanied by a fee of not
10 to exceed one hundred dollars (\$100) for a new license
11 and not to exceed seventy-five dollars (\$75) for a renewal
12 license.

13 (d) The fee for an application for a new or renewal
14 license to transport hazardous material shall be waived
15 for hazardous waste haulers registered with the ~~State~~
16 Department of ~~Health Services~~ *Toxic Substances Control*
17 pursuant to Section 25163 of the Health and Safety Code.

18 A hazardous waste hauler issued a license pursuant to
19 this subdivision may haul hazardous materials which are
20 not hazardous wastes if the vehicle has been inspected by
21 the California Highway Patrol pursuant to Section
22 25168.1 of the Health and Safety Code and certified by
23 the ~~State~~ Department of ~~Health Services~~ *Toxic*
24 *Substances Control* pursuant to Section 25168.3 of the
25 Health and Safety Code.

26 (e) Each application shall be made upon a form
27 furnished by the commissioner. It shall contain
28 information concerning the applicant's background and
29 experience which the commissioner may prescribe, in
30 addition to other information required by law.

31 SEC. 189. Section 31303 of the Vehicle Code is
32 amended to read:

33 31303. (a) The provisions of this section apply to the
34 highway transportation of hazardous materials and
35 hazardous waste for which the display of placards or
36 markings is required pursuant to Section 27903. This
37 section does not apply to hazardous materials being
38 transported on specified routes pursuant to Section 31616
39 or 33000.

40 (b) Unless restricted or prohibited pursuant to Section

1 31304, the transportation shall be on state or interstate
2 highways which offer the least overall transit time
3 whenever practicable.

4 (c) The transporter shall avoid, whenever practicable,
5 congested thoroughfares, places where crowds are
6 assembled, and residence districts as defined in Section
7 515.

8 (d) Vehicles used for the transportation shall not be
9 left unattended or parked overnight in a residence
10 district as defined in Section 515.

11 (e) When transporting hazardous waste pursuant to
12 Section 25169.3 of the Health and Safety Code, all
13 provisions of the waste hauler transportation safety plan,
14 as approved by the State Department of Health Services
15 *Toxic Substances Control*, shall be complied with.

16 (f) Transportation which deviates from the routes
17 required by this section shall not be excused on the basis
18 of operating convenience.

19 (g) Notwithstanding subdivisions (b) and (c),
20 vehicles engaged in the transportation may also use any
21 of the following highways:

22 (1) Highways which provide necessary access to local
23 pickup or delivery points consistent with safe vehicle
24 operation.

25 (2) Highways which provide reasonable access to fuel,
26 repairs, rest, or food facilities that are designed and
27 intended to accommodate commercial vehicle parking,
28 when that access is consistent with safe vehicle operation
29 and when the facility is within one-half road mile of
30 points of entry or exit from the state or interstate highway
31 being used.

32 (3) Highways restricted or prohibited pursuant to this
33 section when no other lawful alternative exists.

34 (h) This section shall become operative on January 1,
35 1987.

36 SEC. 190. Section 31307 of the Vehicle Code is
37 amended to read:

38 31307. (a) It is unlawful for the owner of any vehicle
39 or the authorized agent of the owner to drive, or to direct
40 or knowingly permit the driving of, the vehicle in

1 violation of Section 31303 or 31304. Violation of any of
2 these sections is a misdemeanor punishable as follows:

3 (1) For a first violation, a fine not exceeding five
4 hundred dollars (\$500), imprisonment in the county jail
5 not exceeding 60 days, or both the fine and
6 imprisonment.

7 (2) For a second violation within a 12-month period, a
8 fine not exceeding one thousand dollars (\$1,000),
9 imprisonment in the county jail not exceeding 60 days, or
10 both the fine and imprisonment.

11 (3) For a third or subsequent violation within a
12 12-month period, a fine not exceeding two thousand five
13 hundred dollars (\$2,500), imprisonment in the county jail
14 not exceeding 120 days, or both the fine and
15 imprisonment.

16 (b) Additionally, upon recommendation of the
17 Department of the California Highway Patrol, three or
18 more violations of these sections constitute grounds for
19 suspension or revocation of registration, or denial of an
20 application for registration under Section 25163 of the
21 Health and Safety Code by the ~~State~~ Department of
22 ~~Health Services~~ *Toxic Substances Control*. Proceedings in
23 these cases shall be subject to Chapter 5 (commencing
24 with Section 11500) of Part 1 of Division 3 of Title 2 of the
25 Government Code.

26 (c) This section shall become operative on January 1,
27 1987.

28 SEC. 191. Section 34501.10 of the Vehicle Code is
29 amended to read:

30 34501.10. The employer of any person required to
31 keep log books, records of physical examination, and
32 other driver records as may be required by the
33 Department of the California Highway Patrol, the
34 Department of Motor Vehicles, *the Department of Toxic*
35 *Substances Control*, or the State Department of Health
36 Services, shall register with the Department of the
37 California Highway Patrol the address where the log
38 books and other records are available for inspection.

39 SEC. 192. Section 175 of the Water Code is amended
40 to read:

1 175. There is in the ~~Resources~~ *California*
2 *Environmental Protection* Agency the State Water
3 Resources Control Board consisting of five members
4 appointed by the Governor. One of the members
5 appointed shall be an attorney admitted to practice law
6 in this state who is qualified in the fields of water supply
7 and water rights, one shall be a registered civil engineer
8 under the laws of this state who is qualified in the fields
9 of water supply and water rights, one shall be a registered
10 professional engineer under the laws of this state who is
11 experienced in sanitary engineering and who is qualified
12 in the field of water quality, and one shall be qualified in
13 the field of water quality. One of the above-appointed
14 persons, in addition to having the specified qualifications,
15 shall be qualified in the field of water supply and water
16 quality relating to irrigated agriculture. One member
17 shall not be required to have specialized experience.

18 Each member shall represent the state at large and not
19 any particular portion thereof and shall serve full time.
20 The board shall, to the extent possible, be composed of
21 members from different regions of the state. The
22 appointments so made by the Governor shall be subject
23 to confirmation by the Senate in accordance with Article
24 2 (commencing with Section 1770) of Chapter 4 of
25 Division 4 of Title 1 of the Government Code.

26 SEC. 193. Section 13100 of the Water Code is
27 amended to read:

28 13100. There is in the ~~Resources~~ *California*
29 *Environmental Protection* Agency the State Water
30 Resources Control Board and the California regional
31 water quality control boards. The organization,
32 membership, and some of the duties of the state board are
33 provided for in Article 3 (commencing with Section 174)
34 of Chapter 2 of Division 1 of this code.

35 SEC. 194. Section 13260 of the Water Code is
36 amended to read:

37 13260. (a) All of the following persons shall file with
38 the regional board of that region a report of the
39 discharge, containing the information which may be
40 required by the regional board:

1 (1) Any person discharging waste or proposing to
2 discharge waste within any region that could affect the
3 quality of the waters of the state, other than into a
4 community sewer system.

5 (2) Any person who is a citizen, domiciliary, or
6 political agency or entity of this state discharging waste
7 or proposing to discharge waste outside the boundaries of
8 the state in a manner that could affect the quality of the
9 waters of the state within any region.

10 (3) Any person operating or proposing to construct an
11 injection well.

12 (b) No report of waste discharge need be filed
13 pursuant to subdivision (a) if the requirement is waived
14 pursuant to Section 13269.

15 (c) Every person subject to subdivision (a) shall file
16 with the regional board of that region a report of waste
17 discharge relative to any material change or proposed
18 change in the character, location, or volume of the
19 discharge.

20 (d) (1) Each person for whom waste discharge
21 requirements have been prescribed pursuant to Section
22 13263 shall submit an annual fee not to exceed ten
23 thousand dollars (\$10,000) according to a reasonable fee
24 schedule established by the state board. Fees shall be
25 calculated on the basis of total flow, volume, number of
26 animals, or area involved.

27 (2) Any fees collected pursuant to this section shall be
28 deposited in the Waste Discharge Permit Fund which is
29 hereby created. The money in the fund is available for
30 expenditure by the state board, upon appropriation by
31 the Legislature, for the purposes of carrying out this
32 division.

33 (e) Each report of waste discharge for a new discharge
34 submitted under this section shall be accompanied by a
35 fee equal in amount to the annual fee for the discharge.
36 If waste discharge requirements are issued, the fee shall
37 serve as the first annual fee. If waste discharge
38 requirements are waived pursuant to Section 13269, all or
39 part of the fee shall be refunded.

40 (f) (1) On or before January 1, 1990, the state board

1 shall adopt, by emergency regulations, a schedule of fees
2 authorized under subdivisions (d) and (j). The total
3 revenue collected each year through annual and filing
4 fees shall be set at an amount equal to the revenue levels
5 set forth in the Budget Act for this activity. The state
6 board shall automatically adjust the annual and filing fees
7 each fiscal year to conform with the revenue levels set
8 forth in the Budget Act for this activity. If the state board
9 determines that the revenue collected during the
10 preceding year was greater than or less than the revenue
11 levels set forth in the Budget Act, the state board may
12 further adjust the annual filing fees to compensate for the
13 over and under collection of revenue.

14 (2) The emergency regulations adopted pursuant to
15 this subdivision, or subsequent adjustments to the annual
16 fees, shall be adopted by the state board in accordance
17 with Chapter 3.5 (commencing with Section 11340) of
18 Part 1 of Division 3 of Title 2 of the Government Code.
19 The adoption of these regulations is an emergency and
20 shall be considered by the Office of Administrative Law
21 as necessary for the immediate preservation of the public
22 peace, health, safety, and general welfare.
23 Notwithstanding Chapter 3.5 (commencing with Section
24 11340) of Part 1 of Division 3 of Title 2 of the Government
25 Code, any emergency regulations adopted by the state
26 board, or adjustments to the annual fees made by the
27 state board pursuant to this section, shall not be subject
28 to review by the Office of Administrative Law and shall
29 remain in effect until revised by the state board.

30 (g) The state board shall adopt regulations setting
31 forth reasonable time limits within which the regional
32 board shall determine the adequacy of a report of waste
33 discharge submitted under this section.

34 (h) Each report submitted under this section shall be
35 sworn to or submitted under penalty of perjury.

36 (i) The regulations adopted by the state board
37 pursuant to subdivision (f) shall include a provision that
38 annual fees shall not be imposed on those who pay fees
39 under the National Pollutant Discharge Elimination
40 System until the time when those fees are again due, at

1 which time the fees shall become due on an annual basis.
2 (j) Facilities for confined animal feeding or holding
3 operations, including dairy farms, which have been
4 issued waste discharge requirements or exempted from
5 waste discharge requirements prior to January 1, 1989,
6 are exempt from subdivision (d). If the facility is required
7 to file a report under subdivision (c) after January 1, 1989,
8 the report shall be accompanied by a filing fee, to be
9 established by the state board in accordance with
10 subdivision (f), not to exceed two thousand dollars
11 (\$2,000), and the facility shall be exempt from any annual
12 fee.

13 (k) Any person operating or proposing to construct an
14 oil, gas, or geothermal injection well subject to paragraph
15 (3) of subdivision (a), shall not be required to pay a fee
16 pursuant to subdivision (d), if the injection well is
17 regulated by the Division of Oil and Gas of the
18 Department of Conservation, in lieu of the California
19 regional water quality control board for the region,
20 pursuant to the memorandum of understanding, entered
21 into between the State Water Resources Control Board
22 and the Department of Conservation on May 19, 1988.
23 This subdivision shall remain operative until the
24 memorandum of understanding is revoked by the State
25 Water Resources Control Board or the Department of
26 Conservation.

27 (l) In addition to the report required by subdivision
28 (a), before any person discharges mining waste, the
29 person shall first submit the following to the regional
30 board:

31 (1) A report on the physical and chemical
32 characteristics of the waste that could affect its potential
33 to cause pollution or contamination. The report shall
34 include the results of all tests required by regulations
35 adopted by the *state* board, any test adopted by the ~~State~~
36 Department of ~~Health Services~~ *Toxic Substances Control*
37 pursuant to Section 25141 of the Health and Safety Code
38 for extractable, persistent, and bioaccumulative toxic
39 substances in a waste or other material, and any other
40 tests that the state board or regional board may require,

1 including, but not limited to, tests needed to determine
2 the acid-generating potential of the mining waste or the
3 extent to which hazardous substances may persist in the
4 waste after disposal.

5 (2) A report that evaluates the potential of the
6 discharge of the mining waste to produce, over the long
7 term, acid mine drainage, the discharge or leaching of
8 heavy metals, or the release of other hazardous
9 substances.

10 SEC. 195. Section 13271 of the Water Code is
11 amended to read:

12 13271. (a) Except as provided by subdivision (b), any
13 person who, without regard to intent or negligence,
14 causes or permits any hazardous substance or sewage to
15 be discharged in or on any waters of the state, or
16 discharged or deposited where it is, or probably will be,
17 discharged in or on any waters of the state, shall, as soon
18 as (1) that person has knowledge of the discharge, (2)
19 notification is possible, and (3) notification can be
20 provided without substantially impeding cleanup or
21 other emergency measures, immediately notify the
22 Office of Emergency Services of the discharge in
23 accordance with the spill reporting provision of the state
24 toxic disaster contingency plan adopted pursuant to
25 Article 3.7 (commencing with Section 8574.7) of Chapter
26 7 of Division 1 of Title 2 of the Government Code and
27 immediately notify the state board or the appropriate
28 regional board of the discharge. The state board or the
29 regional board shall list all notifications received by them
30 pursuant to this section in the minutes of the next
31 business meeting and shall provide a copy of the minutes
32 to the appropriate local health officials.

33 (b) The notification required by this section shall not
34 apply to a discharge in compliance with waste discharge
35 requirements or other provisions of this division.

36 (c) Any person who fails to provide the notice
37 required by this section is guilty of a misdemeanor and
38 shall be punished by a fine of not more than twenty
39 thousand dollars (\$20,000) or imprisonment for not more
40 than one year, or both. Except where a discharge to the

1 waters of this state would have occurred but for cleanup
2 or emergency response by a public agency, this
3 subdivision shall not apply to any discharge to land which
4 does not result in a discharge to the waters of this state.

5 (d) Notification received pursuant to this section or
6 information obtained by use of such notification shall not
7 be used against any person providing the notification in
8 any criminal case, except in a prosecution for perjury or
9 giving a false statement.

10 (e) Immediate notification of an appropriate agency
11 of the federal government of the discharge shall
12 constitute compliance with the requirements of
13 subdivision (a).

14 (f) For substances listed as hazardous wastes or
15 hazardous material pursuant to Section 25140 of the
16 Health and Safety Code, the state board, in consultation
17 with the ~~State Department of Health Services~~ *Toxic*
18 *Substances Control*, shall by regulation establish
19 reportable quantities for purposes of this section. The
20 regulations shall be based on what quantities should be
21 reported because they may pose a risk to public health or
22 the environment if discharged to ground or surface
23 water. Regulations need not set reportable quantities on
24 all listed substances at the same time. Regulations
25 establishing reportable quantities shall not supersede
26 waste discharge requirements or water quality objectives
27 adopted pursuant to this division, and shall not supersede
28 or affect in any way the list, criteria, and guidelines for
29 the identification of hazardous wastes and extremely
30 hazardous wastes adopted by the ~~State Department of~~
31 ~~Health Services~~ *Toxic Substances Control* pursuant to
32 Chapter 6.5 (commencing with Section 25100) of
33 Division 20 of the Health and Safety Code. The
34 regulations of the Environmental Protection Agency for
35 reportable quantities of hazardous substances for
36 purposes of the Comprehensive Environmental
37 Response, Compensation, and Liability Act of 1980 shall
38 be in effect for purposes of the enforcement of this
39 section until the time that the regulations required by
40 this subdivision are adopted.

1 (g) The state board shall, on or before June 30, 1987,
2 adopt regulations establishing reportable quantities of
3 sewage for purposes of this section. The regulations shall
4 be based on the quantities that should be reported
5 because they may pose a risk to public health or the
6 environment if discharged to ground or surface water.
7 Regulations establishing reportable quantities shall not
8 supersede waste discharge requirements or water quality
9 objectives adopted pursuant to this division. For purposes
10 of this section, "sewage" means the effluent of a
11 municipal waste water treatment plant or a private utility
12 waste water treatment plant, as those terms are defined
13 in Section 13625.

14 SEC. 196. Section 13273 of the Water Code is
15 amended to read:

16 13273. (a) The state board shall, on or before January
17 1, 1986, rank all solid waste disposal sites, as defined in
18 Section 66714.1 of the Government Code, based upon the
19 threat which they may pose to water quality. On or
20 before July 1, 1987, the operators of the first 150 solid
21 waste disposal sites ranked on the list shall submit a solid
22 waste water quality assessment test to the appropriate
23 regional board for its examination pursuant to subdivision
24 (d). On or before July 1 of each succeeding year, the
25 operators of the next 150 solid waste disposal sites ranked
26 on the list shall submit a solid waste water quality
27 assessment test to the appropriate regional board for its
28 examination pursuant to subdivision (d).

29 (b) Before a solid waste water quality assessment test
30 report may be submitted to the regional board, a
31 registered geologist, registered pursuant to Section 7850
32 of the Business and Professions Code, a certified
33 engineering geologist, certified pursuant to Section 7842
34 of the Business and Professions Code, or a civil engineer
35 registered pursuant to Section 6762 of the Business and
36 Professions Code, who has at least five years' experience
37 in groundwater hydrology, shall certify that the report
38 contains all of the following information and any other
39 information which the state board may, by regulation,
40 require:

1 (1) An analysis of the surface and groundwater on,
2 under, and within one mile of the solid waste disposal site
3 to provide a reliable indication whether there is any
4 leakage of hazardous waste.

5 (2) A chemical characterization of the soil-pore liquid
6 in those areas which are likely to be affected if the solid
7 waste disposal site is leaking, as compared to geologically
8 similar areas near the solid waste disposal site which have
9 not been affected by leakage or waste discharge.

10 (c) If the regional board determines that the
11 information specified in paragraph (1) or (2) is not
12 needed because other information demonstrates that
13 hazardous wastes are migrating into the water, the
14 regional board may waive the requirement to submit this
15 information specified in paragraphs (1) and (2) of
16 subdivision (b). The regional board shall also notify the
17 ~~State Department of Health Services~~ *Toxic Substances*
18 *Control*, and shall take appropriate remedial action
19 pursuant to Chapter 5 (commencing with Section 13300).

20 (d) The regional board shall examine the report
21 submitted pursuant to subdivision (b) and determine
22 whether the number, location, and design of the wells
23 and the soiling testing could detect any leachate buildup,
24 leachate migration, or hazardous waste migration. If the
25 regional board determines that the monitoring program
26 could detect the leachate and hazardous waste, the
27 regional board shall take the action specified in
28 subdivision (e). If the regional board determines that the
29 monitoring program was inadequate, the regional board
30 shall require the solid waste disposal site to correct the
31 monitoring program and resubmit the solid waste
32 assessment test based upon the results from the corrected
33 monitoring program.

34 (e) The regional board shall examine the approved
35 solid waste assessment test report and determine
36 whether any hazardous waste migrated into the water. If
37 the regional board determines that hazardous waste has
38 migrated into the water, it shall notify the ~~State~~
39 ~~Department of Health Services~~ *Toxic Substances Control*
40 and the California *Integrated Waste Management Board*

1 and shall take appropriate remedial action pursuant to
2 Chapter 5 (commencing with Section 13300).

3 (f) When a regional board revises the waste discharge
4 requirements for a solid waste disposal site, the regional
5 board shall consider the information provided in the solid
6 waste assessment test report and any other relevant
7 site-specific engineering data provided by the site
8 operator for that solid waste disposal site as part of a
9 report of waste discharge.

10 SEC. 197. Section 13392 of the Water Code is
11 amended to read:

12 13392. The state board and the regional boards, in
13 consultation with the ~~State Department of Health~~
14 ~~Services Office of Environmental Health Hazard~~
15 ~~Assessment~~ and the Department of Fish and Game, shall
16 develop and maintain a comprehensive program to (1)
17 identify and characterize toxic hot spots, as defined in
18 Section 13391.5, (2) plan for the cleanup or other
19 appropriate remedial or mitigating actions at the sites,
20 and (3) amend water quality control plans and policies to
21 incorporate strategies to prevent the creation of new
22 toxic hot spots and the further pollution of existing hot
23 spots. As part of this program, the state board and
24 regional boards shall, to the extent feasible, identify
25 specific discharges or waste management practices which
26 contribute to the creation of toxic hot spots, and shall
27 develop appropriate prevention strategies, including, but
28 not limited to, adoption of more stringent waste
29 discharge requirements, onshore remedial actions,
30 adoption of regulations to control source pollutants, and
31 development of new programs to reduce urban and
32 agricultural runoff.

33 SEC. 198. Section 13392.5 of the Water Code is
34 amended to read:

35 13392.5. (a) Each regional board which has
36 regulatory authority for one or more enclosed bays or
37 estuaries shall, by January 1, 1992, develop for each
38 enclosed bay or estuary, a consolidated data base which
39 identifies and describes all known and suspected toxic hot
40 spots. Each regional board shall, in consultation with the

1 state board, also develop an ongoing monitoring and
2 surveillance program that includes, but is not limited to,
3 the following components:

4 (1) Establishment of a monitoring and surveillance
5 task force that includes representation from agencies,
6 including, but not limited to, the ~~State Department of~~
7 ~~Health Services~~ *Office of Environmental Health Hazard*
8 *Assessment* and the Department of Fish and Game, that
9 routinely monitor water quality, sediment, and aquatic
10 life.

11 (2) Suggested guidelines to promote standardized
12 analytical methodologies and consistency in data
13 reporting.

14 (3) Identification of additional monitoring and
15 analyses that are needed to develop a complete toxic hot
16 spot assessment for each enclosed bay and estuary.

17 (b) Each regional board shall make available to state
18 and local agencies and the public all information
19 contained in the consolidated data base, as well as the
20 results of new monitoring and surveillance data.

21 SEC. 199. Section 13393.5 of the Water Code is
22 amended to read:

23 13393.5. On or before July 1, 1992, the state board, in
24 consultation with the ~~State Department of Health~~
25 ~~Services~~ *Office of Environmental Health Hazard*
26 *Assessment* and the Department of Fish and Game, shall
27 adopt general criteria for the assessment and priority
28 ranking of toxic hot spots. The criteria shall take into
29 account the pertinent factors relating to public health
30 and environmental quality, including, but not limited to,
31 potential hazards to public health, toxic hazards to fish,
32 shellfish, and wildlife, and the extent to which the
33 deferral of a remedial action will result or is likely to
34 result in a significant increase in environmental damage,
35 health risks, or cleanup costs.

36 SEC. 200. Section 13395.5 of the Water Code is
37 amended to read:

38 13395.5. The state board may enter into contracts and
39 other agreements for the purpose of evaluating or
40 demonstrating methods for the removal, treatment, or

1 stabilization of contaminated bottom sediment. For the
2 purpose of preparing health risk assessments pursuant to
3 Section 13393, the state board shall enter into contracts or
4 agreements with the ~~State Department of Health~~
5 ~~Services Office of Environmental Health Hazard~~
6 ~~Assessment~~, or with other state or local agencies, subject
7 to the approval of the ~~State Department of Health~~
8 ~~Services office~~. The costs incurred for work conducted by
9 other state agencies, including, but not limited to, the
10 ~~State Department of Health Services office~~ and the
11 Department of Fish and Game, pursuant to this chapter
12 shall be reimbursed according to the terms of an
13 interagency agreement between the state board and the
14 agency.

15 SEC. 201. Section 13801 of the Water Code is
16 amended to read:

17 13801. (a) The regional board, upon receipt of a
18 report from the department pursuant to Section 13800,
19 shall hold a public hearing on the need to establish well
20 standards for the area involved. The regional board may
21 hold a public hearing with respect to any area regardless
22 of whether a report has been received from the
23 department if it has information that standards may be
24 needed.

25 (b) Notwithstanding subdivision (a), the state board
26 shall, not later than September 1, 1989, adopt a model
27 water well, cathodic protection well, and monitoring well
28 drilling and abandonment ordinance implementing the
29 standards for water well construction, maintenance, and
30 abandonment contained in Bulletin 74-81 of the
31 department. If the model ordinance is not adopted by
32 this date, the state board shall report to the Legislature
33 as to the reasons for the delay. The state board shall
34 circulate the model ordinances to all cities and counties.

35 (c) Notwithstanding any other provision of law, each
36 county, city, or water agency, where appropriate, shall,
37 not later than January 15, 1990, adopt a water well,
38 cathodic protection well, and monitoring well drilling
39 and abandonment ordinance that meets or exceeds the
40 standards contained in Bulletin 74-81. Where a water

1 agency which has permit authority over well drilling
2 within the agency adopts a water well, cathodic
3 protection well, and monitoring well drilling and
4 abandonment ordinance that meets or exceeds the
5 standards contained in Bulletin 74-81, a county or city
6 shall not be required to adopt an ordinance for the same
7 area.

8 (d) If a county, city, or water agency, where
9 appropriate, fails to adopt an ordinance establishing
10 water well, cathodic protection well, and monitoring well
11 drilling and abandonment standards, the model
12 ordinance adopted by the state board pursuant to
13 subdivision (b) shall take effect on February 15, 1990, and
14 shall be enforced by the county or city and have the same
15 force and effect as if adopted as a county or city
16 ordinance.

17 (e) The minimum standards recommended by the
18 department and adopted by the state board or local
19 agencies for the construction, maintenance,
20 abandonment, or destruction of monitoring wells or class
21 1 hazardous injection wells shall not be construed to limit,
22 abridge, or supersede the powers or duties of the ~~State~~
23 ~~Department of Health Services~~ *Toxic Substances Control*
24 in their application of standards to the construction,
25 maintenance, abandonment, or destruction of
26 monitoring wells or class 1 hazardous injection wells at
27 facilities which treat, store, or dispose of hazardous waste
28 or at any site where the ~~State~~ Department of ~~Health~~
29 ~~Services~~ *Toxic Substances Control* is the lead agency
30 responsible for investigation and remedial action at that
31 site, as long as the standards used by the ~~State~~
32 ~~Department of Health Services~~ *Toxic Substances Control*
33 meet or exceed those in effect by any city, county, or
34 water agency where appropriate, responsible for
35 developing ordinances for the area in question.

36 SEC. 202. The Secretary for Environmental
37 Protection may use the unexpended balance of funds
38 available for use in connection with the performance of
39 the functions of the Office of Environmental Affairs in
40 the State Air Resources Board.

1 SEC. 203. All officers and employees of the Office of
2 Environmental Affairs in the State Air Resources Board
3 who are serving in the state civil service, other than as
4 temporary employees, and engaged in the performance
5 of a function vested in the Office of Environmental
6 Affairs shall be transferred to the California
7 Environmental Protection Agency. The status, positions,
8 and rights of those persons shall not be affected by the
9 transfer and shall be retained by those persons as officers
10 and employees of the California Environmental
11 Protection Agency, pursuant to the State Civil Service
12 Act (Part 2 (commencing with Section 18500) of Division
13 5 of Title 2 of the Government Code), except as to
14 positions exempted from civil service.

15 SEC. 204. The California Environmental Protection
16 Agency shall have possession and control of all records,
17 papers, offices, equipment, supplies, moneys, funds,
18 appropriations, licenses, permits, agreements, contracts,
19 claims, judgments, land, and other property, real or
20 personal, connected with the administration of, or held
21 for the benefit or use of, the Office of Environmental
22 Affairs in the State Air Resources Board.

23 SEC. 205. (a) Any regulation or other action,
24 adopted, prescribed, taken, or performed by an agency or
25 officer in the administration of a program or the
26 performance of a duty, responsibility, or authorization
27 transferred by this act shall remain in effect and shall be
28 deemed to be a regulation or action of the agency or
29 officer to whom the program, duty, responsibility, or
30 authorization is transferred.

31 (b) No suit, action, or other proceeding lawfully
32 commenced by or against any agency or other officer of
33 the state, in relation to the administration of any program
34 or the discharge of any duty, responsibility, or
35 authorization transferred by this act, shall abate by reason
36 of the transfer of the program, duty, responsibility, or
37 authorization under this act.

