

ANNUAL LEGISLATIVE UPDATE

Presented to
SAN DIEGO ENVIRONMENTAL
PROFESSIONALS

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ANNUAL LEGISLATIVE UPDATE

NEW DEVELOPMENTS IN ENVIRONMENTAL LAW: More than 120 new laws adopted in 2019

- Proposition 65 Update
- Safer Consumer Products
- Hazardous Materials & Waste
- Solid Waste & Recycling
- Water Quality
- Endangered Species & Wildlife
- Miscellaneous

PROPOSITION 65

NEW WARNING SAFE HARBORS - OEHHA

- Rental Vehicles
- Residential Rental Property
- Coffee

SAFE HARBOR WARNING


Rental Vehicles - [27 CCR 25607.36]

1. Method - 1 or more before use:

- Rental Agreement
- Hang Tag
- Sign at Counter
- Electronic Rental Contract
- Confirmation email
- Hyperlink “WARNING” on-line reservation website

Alternative - Comply with vehicle exposure warning (§ 25607.16)

2. Content:

 **WARNING:** “Operating a motor vehicle can expose you to chemicals including engine exhaust, carbon monoxide, phthalates, and lead, which are known to the State of California to cause cancer and birth defects or other reproductive harm. To minimize exposure, avoid breathing exhaust, do not idle the engine except as necessary, and assure adequate ventilation inside the car. For more information go to www.P65Warnings.ca.gov/passenger-vehicle.”

SAFE HARBOR WARNING

Residential Rental Property [27 CCR § 25607.34]


Note: Does not include Hotels

1. Method: Notice to each adult occupant

- Letter
- Email
- Lease or Rental Agreement
 - Use languages in Lease

Note: Additional Warning for enclosed parking facilities.

2. Content:

 **WARNING:** [Source] on this property can expose you to [chemical(s)] which is (are) known to the State of California to cause [(cancer), (birth defects or other reproductive harm)]. Talk to your landlord or the building owner about how and when you could be exposed to this chemical(s) in your building. For additional information go to www.P65Warnings.ca.gov/apartments

PROP 65 - AMENDMENTS TO REGULATIONS

COFFEE

27 CCR § 25704. Exposures to Listed Chemicals in Coffee Posing No Significant Risk

Exposures to chemicals in coffee, listed on or before March 15, 2019 as known to the state to cause cancer, that are created by and inherent in the processes of roasting coffee beans or brewing coffee do not pose a significant risk of cancer.

PROP 65 - AMENDMENTS TO REGULATIONS (CONT.)

PROPOSED REGULATION: AVERAGE CONCENTRATION IN FOOD

- Arithmetic Mean = Average**

Proposal Withdrawn Effective 9/19/19

PROP 65 - NEW CHEMICAL LISTINGS

March 8, 2019

- **Bevacizumab**

FDA Reqmt. - Reproductive Toxicity

June 28, 2019

- **P-Chloro-a, a, a-Trifluorotoluene (Para-Chlorobenzotrifluoride, PCBTF)**

Authoritative Body - Cancer

PROP 65 - NEW CHEMICAL LISTINGS (CONT.)

September 13, 2019

- 2- Amino-4-Chlorophenol
- 2-Chloronitrobenzene
- 1,4-Dichloro-2-Nitrobenzene
- 2,4-Dichloro-1-Nitrobenzene
- N,N-Dimethylacetamide
- Para-Nitroanisole

(Labor Code - Cancer)

PROP 65 - NEW CHEMICAL LISTINGS (CONT.)

BEING INVESTIGATED:

Acetaminophen (aka Tylenol)

- Cancer ?

Cannabis

Cannabis - Related Compounds

- Reproductive Toxicity

PROP 65 - NEW LEGISLATION

LAWSUIT APPEALS

AB 1123 (Reyes)

- Parties must serve briefs on A.G.
- Applies to Supreme Court, Court of Appeal or Appellate Division of Supreme Court
- Brief rejected unless A.G. on P.O.S.
 - Reasonable opportunity to cure
 - A.G. gets time to file brief

(H&S Code § 25249.7(o))

SAFER CONSUMER PRODUCTS

COSMETICS AND DISINFECTANTS

AB 647 (Kalra)

- Requires posting of SDS on Internet Website
- Translate SDS into Spanish, Chinese, Korean, Vietnamese and “other languages... common for the beauty care industry.”
- Post Translations on Website
- Applies to Manufacturers and Importers required to have SDS
- Applies to all product colors having separate SDS
- Effective July 1, 2020

(Adds Labor Code § 6390.2)

SAFER CONSUMER PRODUCTS

METAL-CONTAINING JEWELRY

SB 647 (Mitchell)

New Lead and Cadmium Limits

Lead Limit Reduced to:

- .05 % - Electroplated, unplated metal or dyes**
- .02% - Plastic or Rubber**
- .009% - Children's jewelry surface coating**
- .01% - Children's jewelry all other components**

SAFER CONSUMER PRODUCTS (CONT.)

Cadmium (Soluble) Limit Reduced to:

.0075% Children's jewelry surface coatings

**“Children” definition = Persons under 15 yrs.
(formerly was under 6)**

Violation is a crime

**Effective June 1, 2020
(H&S Code § § 25214.1, et seq.)**

HAZARDOUS WASTE CONTROL

ELECTRONIC WASTE MANIFESTS

AB 1597 (Committee on ES & TM)

- **Changes HWCL to conform to:**
 - Federal “Hazardous Waste Electronics Manifest Establishment Act”**
 - Deletes obsolete provisions
 - Intended to comply with USEPA Regulations implementing electronic manifest system
[Title 40 CFR Part 262, § 262.20, etc.]

(H&S Code § § 25123.3, et seq. & adds § 25160.01)

HAZARDOUS WASTE CONTROL (CONT.)

HOUSEHOLD HAZARDOUS WASTE PROGRAM DOOR-TO-DOOR RESIDENTIAL HAZARDOUS WASTE COLLECTION PROGRAM

SB 552 (Archuleta)

- **January 1, 2020 Sunset removed**
 - **Extended indefinitely**
- **Electronic report no longer sufficient**
- **Copy of each manifest must be filed**
(H&S Code § § 25160.8 et seq. & 25404)

HAZARDOUS WASTE CONTROL (CONT.)

MATERIALS EXCHANGE PROGRAM

SB 726 (Cabellero)

- **Materials Exchange Program redefined**
 - Facility that makes available:
 - Reusable household hazardous products or materials for reuse
- **Authorizes contractors of public agency to conduct program and transport waste**
- **Adopts QA Plan Requirements**

(H&S Code § § 25218.11.5)

HAZARDOUS WASTE CONTROL (CONT.)

RV TOILET TANK CHEMICALS

SB 317 (Cabellero)

- Bans sale of chemicals for RV & Camp Toilets
- Requires RV Park & Campground Signs:

“The State of California prohibits the use of products in RV holding tanks, including deodorizers, that contain bronopol, dowicil, formalin, formaldehyde, glutaraldehyde, paraformaldehyde, para-dichlorobenzene, benzene, toluene, xylene, ethylene glycol, 1,1,1-trichloroethane, trichloroethylene, or perchloroethylene. These chemicals can inhibit biological activity in onsite wastewater treatment systems and threaten groundwater and drinking water wells, and are strictly forbidden.

Please use bacteria - or enzyme-based products.”

HAZARDOUS WASTE

LEAD ACID BATTERIES

AB 142 (Christina Garcia)

Creates Lead Acid Battery Recycling Facility

Investigation and Cleanup Program (LABRIC)

- To spend Lead Acid Battery Cleanup Fund money.
- Raises Mfgr. Battery Fee to \$2.00 per Battery sold.
- Exempts New Car Dealers putting new battery in used cars for sale.

(H&S Code § § 25215.1. etc.)

HAZARDOUS MATERIALS

FENTANYL CLEANUP

AB 1596 (Committee on E.S. & T.M.)

- **Methamphetamine Contaminated Property Cleanup Act of 2005**
- **Name Change:
Methamphetamine or Fentanyl Contaminated
Property Cleanup Act**
- **Fentanyl Cleanup Standards added**

(H&S Code § § 25400.10, etc.)

HAZARDOUS MATERIALS (CONT.)

BUSINESS PLANS

AB 1429 (Chen)

- Filing due every 3 years instead of annually to CERS
- Annual Review & Certification required.

Note:

1. Does not apply to Tier II Reporting Facilities under EPCRA
2. Does not apply to AST Facilities

(H&S Code § § 25508, 25508.2)

SOLID WASTE & RECYCLING

HOTELS: SMALL PLASTIC BOTTLES.

AB 1162 (Kalra)

Small Plastic Bottles for Personal Care Products Prohibited

- Within sleeping rooms & public bathrooms
- May be provided “upon request” outside those areas.
- Effective Jan. 1, 2023 for Hotels with >50 rooms
Jan. 1, 2024 for Hotels with <50 rooms

Fine \$500/day up to \$2000/yr. after 2nd Violation

(PRC § 42372)

WATER QUALITY

PER- and POLY-FLUOROALKYL SUBSTANCES (PFAS)

AB 756 (Christina Garcia)

- **SWRCB may order Public Water Systems to Test for PFAS**
- **> Notification Level - Must Report**
- **> Response Level - Take out of Service and/or Public Notice**

(H&S Code § 116378 added)

WATER QUALITY

FRESHWATER & ESTUARINE HARMFUL ALGAL BLOOMS

AB 834 (Quirk)

- State Board to establish program
- Post incidents and response actions on website
 - Deadline 7/1/21
- 3 years of monitoring & reporting
- In Emergency, State Board may enter into incident response contracts.

(Water Code § 13182 added)

ENDANGERED SPECIES & WILDLIFE (SD)

FUR PRODUCTS

AB 44 (Friedman)

Sale or Trade in Fur Products Banned

Manufacture also Banned

- Enforced by Civil Penalties
- Effective Jan. 1, 2023

Exceptions:

- Used Products
- Fur used for religious purposes
- Fur used for traditional tribal, cultural spiritual purposes.
- Activity authorized by federal law

ENDANGERED SPECIES & WILDLIFE (SD) (CONT.)

Fur Product does not include:

- **Leather, if fur removed**
- **Dog or Cat fur**
- **Stuffed animals (Taxidermy)**
- **Cowhide, Deerskin, Sheepskin, Goatskin**

(Fish & Game Code § § 3039, 2023 added)

ENDANGERED SPECIES & WILDLIFE (SD) (CONT.)

FUR TRAPPING PROHIBITED

AB 273 (Gonzalez)

- **Bans Trapping of Fur-Bearing Mammals for “recreation or commerce in fur**
- **Eliminates all Fur Dealer Licenses**
- **Eliminates all Fur Agent Licenses**
- **Exceptions: Gophers, House Mice, Moles, Rats, Voles**

(Fish & Game Code § § 3003.1 etc., Repeals § 4030, et seq.)

ENDANGERED SPECIES & WILDLIFE (SD) (CONT.)

HORSES

AB 128 (Gloria)

- **Sale of Horses for slaughter for human consumption made a felony**
 - was a misdemeanor under Prop 6 (1998)
- **Modifies Bill of Sale & Recordkeeping requirements**

(Civil Code § 1834.8, Food & Agriculture Code § 24106)

ENDANGERED SPECIES & WILDLIFE (SD) (CONT.)

WILDLIFE IMPORT

AB 1260 (Maienschein)

**Bans import sale or possession with intent to sell:
Dead Body, Part or Product of:**

- **Iguana, Skink, Caiman, Hippopotamus, or a Teju, Ring or Nile Lizard**
- **Misdemeanor Enforcement**

(Penal Code 653o)

ENDANGERED SPECIES & WILDLIFE (SD) (CONT.)

CIRCUS ANIMALS

SB 313 (Hueso)

Bans use of Animals in Circuses

Exceptions:

- Domestic Dog
- Domestic Cat
- Domesticated Horse

Circus does not include Rodeo

Civil Penalties up to \$25,000

MISCELLANEOUS

CLIMATE CHANGE?

AB 1057 (Limón)

DOGGR Renamed to:

- GEOLOGIC ENERGY MANAGEMENT DIVISION

The Division’s goals will include “protecting the public health and safety and environmental quality, including reduction and mitigation of greenhouse gas emissions associated with the development of hydrocarbon and geothermal resources.”

Creates Oil & Gas Environmental Remediation Account

(Various Provisions of Civil Code, H&S Code, PRC, PUC, Water Code, and Govt. Code)

MISCELLANEOUS (CONT.)

AB 936 (Rivas) - Requires OSPR to hold workshop to find technology to address nonfloating oil spills.

SB 8 (Glazer) - Bans smoking in State parks and beaches.

SB 785 (Committee on NR & W) - Prohibition on possession and transport of Dreissenid mussels extended to Jan. 1, 2030

Thank you!

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