STATE OF CALIFORNIA

Arnold Schwarzenegger
Governor

Linda Adams
Secretary for Environmental Protection
California Environmental Protection Agency

DEPARTMENT OF PESTICIDE REGULATION

Mary-Ann Warmerdam
Director

Paul Gosselin, Chief Deputy Director

Chris Reardon, Director of Legislation and Regulations
Liz Pelham, Chief Legislative Analyst
Marianne Blake, Office Technician

Mark Rentz, Deputy Director
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Introduction

The Department of Pesticide Regulation (DPR) is an agency within the California Environmental Protection Agency (Cal/EPA). Cal/EPA was created by Governor Pete Wilson in 1991, to combine environmental programs previously administered by six separate State agencies. The six environmental agencies within Cal/EPA include DPR, the Department of Toxic Substances Control, the State Water Resources Control Board, the Integrated Waste Management Board, the Air Resources Board, and the Office of Environmental Health Hazard Assessment.

DPR is charged with the responsibility to administer California's statewide pesticide regulatory program, the largest of its kind in the nation. Before a pesticide can be possessed, sold, or used in California, the pesticide must be registered by DPR. Prior to registration, DPR's scientific staff review each product to ensure that it meets stringent standards, as prescribed in the laws (Food and Agricultural Code) and regulations (California Code of Regulations) governing pesticides in California. Reviews of data include, but are not limited to the chemical properties of the product, intended use patterns, potential human health effects, and environmental fate of the product. The laws and regulations governing the possession, sale, and use of pesticides are enforced by DPR in cooperation with the Office of the County Agricultural Commissioner (CAC) within each county.

This summary contains brief descriptions of the legislation followed by DPR's Office of Legislation and Regulations during the 2006 Legislative Session.

Urgency bills signed by the Governor took effect immediately upon his signature. Other legislation signed by the Governor in 2006 will take effect on January 1, 2007.

For an electronic version of this summary, please refer to DPR's Internet Home Page at the following address: http://www.cdpr.ca.gov. You will find this Legislative Summary report under the "Legislation" link. Limited hard copies of this summary are also available through DPR's Office of Legislation and Regulations, 1001 I Street, Sacramento, California 95814.
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Section I--Bill Subject Index

The Bill Subject Index section of this summary identifies legislative bills, tracked by DPR during the 2006 legislative session, containing similar subject matter.
Administration

AB 1059 (Matthews) Motor Vehicle Fuel Account: transfer Died
**AB 2098** (Liu) State government: electronic payment system Chapter 818
AB 2404 (Klehs) State government: reports Vetoed
AB 2927 (Leno) Public records Vetoed
SB 860 (Bowen) Credit card processing fees: state agents Died
SB 1293 (Kuehl) State library: access to electronic materials Died

Air Emmissions/Quality

AB 2553 (Arambula) Air quality: loans Died

Budget/Funding

AB 1059 (Matthews) Motor Vehicle Fuel Account: transfer Died
**AB 1803** (Committee on Budget) Chapter 77

Global Warming

**AB 32** (Nunez) Global warming Chapter 488

Pesticides

**AB 87** (Bermudez) Trapping licenses: exemptions Chapter 406
AB 2078 (Montanez) Pesticides Died
AB 2247 (La Suer) Structural Pest Control Died
**AB 2648** (Matthews) Pesticides Chapter 93
**AB 2865** (Torrico) School safety Chapter 865
**SB 230** (Figueroa) Structural Fumigation Enforcement Program Chapter 42
SB 879 (Escutia) Pest control: violations Died

Structural Pest Control

AB 2247 (La Suer) Structural Pest Control Died
**SB 230** (Figueroa) Structural Fumigation Enforcement Program Chapter 42

Toxics

**AB 289** (Chan) Chemicals: high-volume testing methods Chapter 699
**SB 1379** (Perata) Biomonitoring Chapter 599

Water Quality

SB 646 (Kuehl) Water discharge requirements: waivers Died
**SB 1070** (Kehoe) Water quality Information Chapter 750
SB 1795 (Machado) Groundwater storage: beneficial use

Died
Section II – Bills by Author
**Assembly**

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AB 362  Administrative proceedings  Dead
AB 567  Hazardous waste: alternative standards  Dead
AB 1727  SWRCB/RWQCBs  Dead
AB 2394  Minor violations: air pollution: water quality  Dead
AB 2411  Public employees: health benefits  Dead
ACR 79  Fee Payers Bill of Rights  Dead

### Arambula

AB 389  Swimming pool safety  Dead
AB 485  Master Business License Center  Dead
AB 2553  Air quality: loans  Dead

### Baca

AB 274  State employees: paid leave: education  Dead
AB 342  Perchlorate fee  Dead
AB 884  State employment: contract employees  Dead

### Bass

AB 1701  Birth Defects Monitoring Program  Dead

### Berg

AB 848  Ocean ecosystem conservation and management  Dead
AB 1414  Children’s Environmental Health Center  Dead
AB 1506  Rural health  Dead

### Bermudez

**AB 87**  Trapping licenses: exemptions  Chapter 406
AB 284  State employees: professional scientists  Dead
AB 727  Solid waste: integrated waste management  Dead

### Blakeslee

AB 271  State employees: scientists  Dead
AB 1271  Water: Best Management Practices  Dead
**AB 2746**  Natural resources: mitigation for adverse impacts  Chapter 577
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Committee on PERS

**AB 2241**  State civil service  Chapter 216

Coto

**AB 766**  Hazardous materials: liability  Dead
**AB 956**  Hazardous materials: public information  Inactive File

Daucher

**AB 227**  Workers’ compensation  Dead
**AB 1453**  Adjudication of rights to produce Groundwater  Dead
**AB 2566**  School safety  Dead

De La Torre

**AB 1458**  State employees: Bargaining Units 10 and 18  Chapter 238

DeVore

**AB 1708**  State Employees  Chapter 97

Dymally

**AB 194**  Brown Act violations  Dead
**AB 734**  Endangered species: crimes  Dead
**AB 1897**  Civil service: employment discrimination  Vetoed

Emerson

**AB 579**  Groundwater  Dead
**AB 1519**  Government records  Dead
**AB 2005**  Public records: confidentiality  Chapter 472
**AB 2699**  Natural resources: mitigation  Dead
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#### Kehoe

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<td>Water use measurement information</td>
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<td>SB 929</td>
<td>California Coastal Commission: Administrative actions</td>
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<tr>
<td><strong>SB 1070</strong></td>
<td>Water quality information</td>
<td>Chapter 750</td>
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<td>SB 1832</td>
<td>Public records: fee waiver</td>
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<td>Water discharge requirements: waivers</td>
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<td>SB 1293</td>
<td>State library: access to electronic And on-line materials</td>
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<td><strong>SB 1425</strong></td>
<td>Groundwater extraction</td>
<td>Chapter 374</td>
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<td>SB 1434</td>
<td>Ocean protection: consultants</td>
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<td><strong>SB 1535</strong></td>
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<td>SB 1640</td>
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<td>SB 1601</td>
<td>Air pollution: marine ports: emissions</td>
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<td>SB 200</td>
<td>Sacramento-San Joaquin Delta Conservancy Program</td>
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<td>SB 350</td>
<td>San Joaquin River Restoration and Water Management</td>
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<td>SB 403</td>
<td>Chemical Tanker Task Force</td>
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<td>SB 1795</td>
<td>Groundwater storage: beneficial use</td>
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### Maldonado

- **SB 284**: Specialty crop funding  
  - Status: Dead
- **SB 1606**: State budget: two-year budget  
  - Status: Dead
- **SCA 30**: Legislature: sessions: two-year budget  
  - Status: Dead

### Margett

- **SB 240**: Water rights  
  - Status: Dead
- **SB 242**: Endangered Species  
  - Status: Dead
- **SB 1792**: Environmental quality  
  - Status: Dead

### McClintock

- **SB 785**: CEQA: procedure  
  - Status: Dead
- **SCA 2**: Budget process  
  - Status: Dead
- **SCA 5**: State finances: Budget Act  
  - Status: Dead
- **SCAX1 2**: Budget process  
  - Status: Dead
- **SCAX1 3**: State finances: Budget Act  
  - Status: Dead

### Morrow

- **SB 1429**: Punitive damages: product liability  
  - Status: Dead

### Murray

- **SB 948**: CEQA: short form  
  - Status: Dead

### Ortiz

- **SB 109**: Air pollution: stationary sources  
  - Status: Dead
- **SB 162**: State Department of Health  
  - Status: Chapter 241
- **SB 811**: Infant and child health  
  - Status: Dead

### Perata

- **SB 1101**: Information technology: procurement  
  - Status: Dead
- **SB 1368**: Electricity: emissions of greenhouse gases  
  - Status: Chapter 598
- **SB 1379**: Biomonitoring  
  - Status: Chapter 599
- **SB 1718**: Air pollution  
  - Status: Dead
- **SB 1798**: CEQA: infill development  
  - Status: Dead

### Poochigian

- **SB 859**: Agricultural policy  
  - Status: Dead
- **SB 1307**: Medical information: confidentiality  
  - Status: Chapter 249
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<td>SB 126</td>
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<td>SB 729</td>
<td>Water quality</td>
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<td>SB 956</td>
<td>SF Bay/Sacramento-San Joaquin Delta</td>
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<td>SB 960</td>
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<td>SB 1377</td>
<td>State Air Resources Board: powers and duties</td>
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<td>Public contracts: Federal Laboratory Contracting Act</td>
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<td>Torlakson</td>
<td>SB 1814</td>
<td>CEQA: schools</td>
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<td>Torrico</td>
<td>AB 2865</td>
<td>School Safety</td>
<td>Chapter 865</td>
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Section III – 2006 Chaptered Legislation: Summary

The following information summarizes the content of legislative bills which were signed by Governor Schwarzenegger, and chaptered by the Secretary of State during the 2006 Legislative session, which impact, or have potential to impact California’s pesticide regulatory program.
AB 32 (Nunez) California Global Warming Solutions Act of 2006
Chapter 488, Statutes of 2006

AB 32 charges the Air Resources Board with the responsibility of monitoring and regulating greenhouse gas (GHG) emissions in the state. The bill requires ARB, by January 1, 2008, to establish a mandatory GHG emissions reporting program for the state and requires ARB to achieve maximum feasible and cost-effective reductions in furtherance of reducing GHG emissions to 1990 levels by 2020.

AB 87 (Bermudez) Trapping licenses: exemptions
Chapter 406, Statutes of 2006

This bill grants individuals licensed by the Department of Consumer Affairs’ Structural Pest Control Board (SPCB), and/or licensed or certified by the Department of Pesticide Regulation (DPR), exemption from the Department of Fish and Game (DFG) trapping license requirement when trapping rats, mice, voles, moles, or gophers.

AB 2098 (Liu) State government: electronic payment system
Chapter 818, Statutes of 2006

This bill establishes the Electronic Funds Transfer Task Force, in state government, to study the payment dispersal system utilizing electronic funds transfer technology and requires the task force to report its findings and recommendations to the Legislature on or before April 1, 2008.

AB 2648 (Matthews) Pesticides
Chapter 93, Statutes of 2006

This bill made clarifying, technical cleanup amendments to statutes that provide parameters for evaluation of scientific data submitted to support pesticide product registrations by the Department of Pesticide Regulation (DPR).

AB 2865 (Torrico) School safety
Chapter 865, Statutes of 2006

The Healthy Schools Act of 2000 (Act) created a pesticide use reporting and notification program for California public schools and public child day care facilities. The Act also created a mechanism to provide training to public school districts on the use of integrated pest management (IPM) in California schools. This bill would expand the requirements of the Act to private child day care facilities.

SB 230 (Figueroa) Structural Fumigation Enforcement Program
Chapter 42, Statutes of 2006

The Structural Fumigation Enforcement Program (Program) provides the county agricultural commissioners for Orange and Los Angeles counties with additional fiscal
support for enforcement of structural fumigation laws and regulations. The Program was scheduled to sunset on June 30, 2006. This bill repealed the sunset clause, creating a permanent funding source for the Program. This is an urgency statute to take effect immediately.

SB 1070 (Kehoe) Water quality information
Chapter 750, Statutes of 2006

This bill established the California Water Quality Monitoring Council and requires the State Water Resources Control Board, with the assistance of the regional water quality control boards, to implement a public information program for water quality issues.

SB 1379 (Perata) Biomonitoring
Chapter 599, Statutes of 2006

This bill established the California Environmental Contaminant Biomonitoring Program (Program). The bill requires the Department of Health Services, in collaboration with the California Environmental Protection Agency, to establish the Program to monitor human exposure to designated chemicals, as defined.
Section IV- Major Chaptered Bills: Text

Several bills chaptered during the 2006 legislative session will have direct impact on California’s pesticide regulatory program. The complete chaptered text of those bills are included on the following pages.
AB 32 (Nunez)
BILL TEXT

CHAPTER 488
FILED WITH SECRETARY OF STATE SEPTEMBER 27, 2006
APPROVED BY GOVERNOR SEPTEMBER 27, 2006
PASSED THE ASSEMBLY AUGUST 31, 2006
PASSED THE SENATE AUGUST 30, 2006
AMENDED IN SENATE AUGUST 30, 2006
AMENDED IN SENATE AUGUST 23, 2006
AMENDED IN SENATE AUGUST 9, 2006
AMENDED IN SENATE AUGUST 7, 2006
AMENDED IN SENATE JUNE 22, 2006
AMENDED IN SENATE APRIL 18, 2006
AMENDED IN SENATE AUGUST 15, 2005
AMENDED IN ASSEMBLY MARCH 31, 2005

INTRODUCED BY Assembly Members Nunez and Pavley
(Principal coauthor: Assembly Member Nation)
(Coauthors: Assembly Members Arambula, Baca, Bass, Berg, Bermudez, Calderon, Chan, Chavez, Chu, Cohn, Coto, De La Torre, Dymally, Evans, Frommer, Goldberg, Hancock, Jerome Horton, Jones, Karnette, Klehs, Koretz, Laird, Leno, Levine, Lieber, Lieu, Montanez, Mullin, Nava, Oropeza, Ridley-Thomas, Ruskin, Saldana, Salinas, Torrico, Vargas, Wolk, and Yee)
(Coauthors: Senators Alarcon, Bowen, Chesbro, Escutia, Figueroa, Kehoe, Kuehl, Lowenthal, Migden, Romero, Simitian, Soto, Speier, Torlakson, and Vincent)

DECEMBER 6, 2004

An act to add Division 25.5 (commencing with Section 38500) to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL’S DIGEST

Under existing law, the State Air Resources Board (state board), the State Energy Resources Conservation and Development Commission (Energy Commission), and the California Climate Action Registry all have responsibilities with respect to the control of emissions of greenhouse gases, as defined, and the Secretary for Environmental Protection is required to coordinate emission reductions of greenhouse gases and climate change activity in state government. This bill would require the state board to adopt regulations to require the reporting and verification of statewide greenhouse gas emissions and to monitor
and enforce compliance with this program, as specified. The bill would require the state board to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions levels in 1990 to be achieved by 2020, as specified. The bill would require the state board to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions, as specified. The bill would authorize the state board to adopt market-based compliance mechanisms, as defined, meeting specified requirements. The bill would require the state board to monitor compliance with and enforce any rule, regulation, order, emission limitation, emissions reduction measure, or market-based compliance mechanism adopted by the state board, pursuant to specified provisions of existing law. The bill would authorize the state board to adopt a schedule of fees to be paid by regulated sources of greenhouse gas emissions, as specified.

Because the bill would require the state board to establish emissions limits and other requirements, the violation of which would be a crime, this bill would create a state-mandated local program. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Division 25.5 (commencing with Section 38500) is added to the Health and Safety Code, to read:

DIVISION 25.5. CALIFORNIA GLOBAL WARMING SOLUTIONS ACT OF 2006

PART 1. GENERAL PROVISIONS

CHAPTER 1. Title of Division

38500. This division shall be known, and may be cited, as the California Global Warming Solutions Act of 2006.

CHAPTER 2. Findings and Declarations
38501. The Legislature finds and declares all of the following:
(a) Global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California. The potential adverse impacts of global warming include the exacerbation of air quality problems, a reduction in the quality and supply of water to the state from the Sierra snowpack, a rise in sea levels resulting in the displacement of thousands of coastal businesses and residences, damage to marine ecosystems and the natural environment, and an increase in the incidences of infectious diseases, asthma, and other human health-related problems.
(b) Global warming will have detrimental effects on some of California’s largest industries, including agriculture, wine, tourism, skiing, recreational and commercial fishing, and forestry. It will also increase the strain on electricity supplies necessary to meet the demand for summer air-conditioning in the hottest parts of the state.

(c) California has long been a national and international leader on energy conservation and environmental stewardship efforts, including the areas of air quality protections, energy efficiency requirements, renewable energy standards, natural resource conservation, and greenhouse gas emission standards for passenger vehicles. The program established by this division will continue this tradition of environmental leadership by placing California at the forefront of national and international efforts to reduce emissions of greenhouse gases.

(d) National and international actions are necessary to fully address the issue of global warming. However, action taken by California to reduce emissions of greenhouse gases will have far-reaching effects by encouraging other states, the federal government, and other countries to act.

(e) By exercising a global leadership role, California will also position its economy, technology centers, financial institutions, and businesses to benefit from national and international efforts to reduce emissions of greenhouse gases. More importantly, investing in the development of innovative and pioneering technologies will assist California in achieving the 2020 statewide limit on emissions of greenhouse gases established by this division and will provide an opportunity for the state to take a global economic and technological leadership role in reducing emissions of greenhouse gases.

(f) It is the intent of the Legislature that the State Air Resources Board coordinate with state agencies, as well as consult with the environmental justice community, industry sectors, business groups, academic institutions, environmental organizations, and other stakeholders in implementing this division.

(g) It is the intent of the Legislature that the State Air Resources Board consult with the Public Utilities Commission in the development of emissions reduction measures, including limits on emissions of greenhouse gases applied to electricity and natural gas providers regulated by the Public Utilities Commission in order to ensure that electricity and natural gas providers are not required to meet duplicative or inconsistent regulatory requirements.

(h) It is the intent of the Legislature that the State Air Resources Board design emissions reduction measures to meet the statewide emissions limits for greenhouse gases established pursuant to this division in a manner that minimizes costs and maximizes benefits for California’s economy, improves and modernizes California’s energy infrastructure and maintains electric system reliability, maximizes additional environmental and economic co-benefits for California, and complements the state’s efforts to improve air quality.

(i) It is the intent of the Legislature that the Climate Action Team established by the Governor to coordinate the efforts set forth under Executive Order S-3-05 continue its role in coordinating overall climate policy.

CHAPTER 3. Definitions

38505. For the purposes of this division, the following terms have the following meanings:
(a) "Allowance" means an authorization to emit, during a specified year, up to one ton of carbon dioxide equivalent.

(b) "Alternative compliance mechanism" means an action undertaken by a greenhouse gas emission source that achieves the equivalent reduction of greenhouse gas emissions over the same time period as a direct emission reduction, and that is approved by the state board. "Alternative compliance mechanism" includes, but is not limited to, a flexible compliance schedule, alternative control technology, a process change, or a product substitution.

(c) "Carbon dioxide equivalent" means the amount of carbon dioxide by weight that would produce the same global warming impact as a given weight of another greenhouse gas, based on the best available science, including from the Intergovernmental Panel on Climate Change.

(d) "Cost-effective" or "cost-effectiveness" means the cost per unit of reduced emissions of greenhouse gases adjusted for its global warming potential.

(e) "Direct emission reduction" means a greenhouse gas emission reduction action made by a greenhouse gas emission source at that source.

(f) "Emissions reduction measure" means programs, measures, standards, and alternative compliance mechanisms authorized pursuant to this division, applicable to sources or categories of sources, that are designed to reduce emissions of greenhouse gases.

(g) "Greenhouse gas" or "greenhouse gases" includes all of the following gases: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(h) "Greenhouse gas emissions limit" means an authorization, during a specified year, to emit up to a level of greenhouse gases specified by the state board, expressed in tons of carbon dioxide equivalents.

(i) "Greenhouse gas emission source" or "source" means any source, or category of sources, of greenhouse gas emissions whose emissions are at a level of significance, as determined by the state board, that its participation in the program established under this division will enable the state board to effectively reduce greenhouse gas emissions and monitor compliance with the statewide greenhouse gas emissions limit.

(j) "Leakage" means a reduction in emissions of greenhouse gases within the state that is offset by an increase in emissions of greenhouse gases outside the state.

(k) "Market-based compliance mechanism" means either of the following:

1. A system of market-based declining annual aggregate emissions limitations for sources or categories of sources that emit greenhouse gases.

2. Greenhouse gas emissions exchanges, banking, credits, and other transactions, governed by rules and protocols established by the state board, that result in the same greenhouse gas emission reduction, over the same time period, as direct compliance with a greenhouse gas emission limit or emission reduction measure adopted by the state board pursuant to this division.

(l) "State board" means the State Air Resources Board.

(m) "Statewide greenhouse gas emissions" means the total annual emissions of greenhouse gases in the state, including all emissions of greenhouse gases from the generation of electricity delivered to and consumed in California, accounting for transmission and distribution line losses, whether the electricity is
generated in state or imported. Statewide emissions shall be expressed in tons of carbon dioxide equivalents.

(n) "Statewide greenhouse gas emissions limit" or "statewide emissions limit" means the maximum allowable level of statewide greenhouse gas emissions in 2020, as determined by the state board pursuant to Part 3 (commencing with Section 38850).

CHAPTER 4. Role of State Board

38510. The State Air Resources Board is the state agency charged with monitoring and regulating sources of emissions of greenhouse gases that cause global warming in order to reduce emissions of greenhouse gases.

PART 2. MANDATORY GREENHOUSE GAS EMISSIONS REPORTING

38530. (a) On or before January 1, 2008, the state board shall adopt regulations to require the reporting and verification of statewide greenhouse gas emissions and to monitor and enforce compliance with this program.
   (b) The regulations shall do all of the following:
      (1) Require the monitoring and annual reporting of greenhouse gas emissions from greenhouse gas emission sources beginning with the sources or categories of sources that contribute the most to statewide emissions.
      (2) Account for greenhouse gas emissions from all electricity consumed in the state, including transmission and distribution line losses from electricity generated within the state or imported from outside the state. This requirement applies to all retail sellers of electricity, including load-serving entities as defined in subdivision (j) of Section 380 of the Public Utilities Code and local publicly owned electric utilities as defined in Section 9604 of the Public Utilities Code.
      (3) Where appropriate and to the maximum extent feasible, incorporate the standards and protocols developed by the California Climate Action Registry, established pursuant to Chapter 6 (commencing with Section 42800) of Part 4 of Division 26. Entities that voluntarily participated in the California Climate Action Registry prior to December 31, 2006, and have developed a greenhouse gas emission reporting program, shall not be required to significantly alter their reporting or verification program except as necessary to ensure that reporting is complete and verifiable for the purposes of compliance with this division as determined by the state board.
      (4) Ensure rigorous and consistent accounting of emissions, and provide reporting tools and formats to ensure collection of necessary data.
      (5) Ensure that greenhouse gas emission sources maintain comprehensive records of all reported greenhouse gas emissions.
   (c) The state board shall do both of the following:
      (1) Periodically review and update its emission reporting requirements, as necessary.
      (2) Review existing and proposed international, federal, and state greenhouse gas emission reporting programs and make reasonable efforts to promote consistency among the programs established pursuant to this part and other
programs, and to streamline reporting requirements on greenhouse gas emission sources.

PART 3. STATEWIDE GREENHOUSE GAS EMISSIONS LIMIT

38550. By January 1, 2008, the state board shall, after one or more public workshops, with public notice, and an opportunity for all interested parties to comment, determine what the statewide greenhouse gas emissions level was in 1990, and approve in a public hearing, a statewide greenhouse gas emissions limit that is equivalent to that level, to be achieved by 2020. In order to ensure the most accurate determination feasible, the state board shall evaluate the best available scientific, technological, and economic information on greenhouse gas emissions to determine the 1990 level of greenhouse gas emissions.

38551. (a) The statewide greenhouse gas emissions limit shall remain in effect unless otherwise amended or repealed.
(b) It is the intent of the Legislature that the statewide greenhouse gas emissions limit continue in existence and be used to maintain and continue reductions in emissions of greenhouse gases beyond 2020.
(c) The state board shall make recommendations to the Governor and the Legislature on how to continue reductions of greenhouse gas emissions beyond 2020.

PART 4. GREENHOUSE GAS EMISSIONS REDUCTIONS

38560. The state board shall adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions from sources or categories of sources, subject to the criteria and schedules set forth in this part.

38560.5. (a) On or before June 30, 2007, the state board shall publish and make available to the public a list of discrete early action greenhouse gas emission reduction measures that can be implemented prior to the measures and limits adopted pursuant to Section 38562.
(b) On or before January 1, 2010, the state board shall adopt regulations to implement the measures identified on the list published pursuant to subdivision (a).
(c) The regulations adopted by the state board pursuant to this section shall achieve the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions from those sources or categories of sources, in furtherance of achieving the statewide greenhouse gas emissions limit.
(d) The regulations adopted pursuant to this section shall be enforceable no later than January 1, 2010.

38561. (a) On or before January 1, 2009, the state board shall prepare and approve a scoping plan, as that term is understood by the state board, for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions from sources or categories of sources of greenhouse gases by 2020 under this division. The state board shall consult with all state agencies with jurisdiction over sources of greenhouse gases, including the Public Utilities Commission and the State Energy Resources Conservation and
Development Commission, on all elements of its plan that pertain to energy related matters including, but not limited to, electrical generation, load based-standards or requirements, the provision of reliable and affordable electrical service, petroleum refining, and statewide fuel supplies to ensure the greenhouse gas emissions reduction activities to be adopted and implemented by the state board are complementary, nonduplicative, and can be implemented in an efficient and cost-effective manner.

(b) The plan shall identify and make recommendations on direct emission reduction measures, alternative compliance mechanisms, market-based compliance mechanisms, and potential monetary and nonmonetary incentives for sources and categories of sources that the state board finds are necessary or desirable to facilitate the achievement of the maximum feasible and cost-effective reductions of greenhouse gas emissions by 2020.

(c) In making the determinations required by subdivision (b), the state board shall consider all relevant information pertaining to greenhouse gas emissions reduction programs in other states, localities, and nations, including the northeastern states of the United States, Canada, and the European Union.

(d) The state board shall evaluate the total potential costs and total potential economic and noneconomic benefits of the plan for reducing greenhouse gases to California's economy, environment, and public health, using the best available economic models, emission estimation techniques, and other scientific methods.

(e) In developing its plan, the state board shall take into account the relative contribution of each source or source category to statewide greenhouse gas emissions, and the potential for adverse effects on small businesses, and shall recommend a de minimis threshold of greenhouse gas emissions below which emission reduction requirements will not apply.

(f) In developing its plan, the state board shall identify opportunities for emission reductions measures from all verifiable and enforceable voluntary actions, including, but not limited to, carbon sequestration projects and best management practices.

(g) The state board shall conduct a series of public workshops to give interested parties an opportunity to comment on the plan. The state board shall conduct a portion of these workshops in regions of the state that have the most significant exposure to air pollutants, including, but not limited to, communities with minority populations, communities with low-income populations, or both.

(h) The state board shall update its plan for achieving the maximum technologically feasible and cost-effective reductions of greenhouse gas emissions at least once every five years.

38562. (a) On or before January 1, 2011, the state board shall adopt greenhouse gas emission limits and emission reduction measures by regulation to achieve the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions in furtherance of achieving the statewide greenhouse gas emissions limit, to become operative beginning on January 1, 2012.

(b) In adopting regulations pursuant to this section and Part 5 (commencing with Section 38570), to the extent feasible and in furtherance of achieving the statewide greenhouse gas emissions limit, the state board shall do all of the following:
(1) Design the regulations, including distribution of emissions allowances where appropriate, in a manner that is equitable, seeks to minimize costs and maximize the total benefits to California, and encourages early action to reduce greenhouse gas emissions.

(2) Ensure that activities undertaken to comply with the regulations do not disproportionately impact low-income communities.

(3) Ensure that entities that have voluntarily reduced their greenhouse gas emissions prior to the implementation of this section receive appropriate credit for early voluntary reductions.

(4) Ensure that activities undertaken pursuant to the regulations complement, and do not interfere with, efforts to achieve and maintain federal and state ambient air quality standards and to reduce toxic air contaminant emissions.

(5) Consider cost-effectiveness of these regulations.

(6) Consider overall societal benefits, including reductions in other air pollutants, diversification of energy sources, and other benefits to the economy, environment, and public health.

(7) Minimize the administrative burden of implementing and complying with these regulations.

(8) Minimize leakage.

(9) Consider the significance of the contribution of each source or category of sources to statewide emissions of greenhouse gases.

(c) In furtherance of achieving the statewide greenhouse gas emissions limit, by January 1, 2011, the state board may adopt a regulation that establishes a system of market-based declining annual aggregate emission limits for sources or categories of sources that emit greenhouse gas emissions, applicable from January 1, 2012, to December 31, 2020, inclusive, that the state board determines will achieve the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions, in the aggregate, from those sources or categories of sources.

(d) Any regulation adopted by the state board pursuant to this part or Part 5 (commencing with Section 38570) shall ensure all of the following:

(1) The greenhouse gas emission reductions achieved are real, permanent, quantifiable, verifiable, and enforceable by the state board.

(2) For regulations pursuant to Part 5 (commencing with Section 38570), the reduction is in addition to any greenhouse gas emission reduction otherwise required by law or regulation, and any other greenhouse gas emission reduction that otherwise would occur.

(3) If applicable, the greenhouse gas emission reduction occurs over the same time period and is equivalent in amount to any direct emission reduction required pursuant to this division.

(e) The state board shall rely upon the best available economic and scientific information and its assessment of existing and projected technological capabilities when adopting the regulations required by this section.

(f) The state board shall consult with the Public Utilities Commission in the development of the regulations as they affect electricity and natural gas providers in order to minimize duplicative or inconsistent regulatory requirements.

(g) After January 1, 2011, the state board may revise regulations
adopted pursuant to this section and adopt additional regulations to further the provisions of this division.

38563. Nothing in this division restricts the state board from adopting greenhouse gas emission limits or emission reduction measures prior to January 1, 2011, imposing those limits or measures prior to January 1, 2012, or providing early reduction credit where appropriate.

38564. The state board shall consult with other states, and the federal government, and other nations to identify the most effective strategies and methods to reduce greenhouse gases, manage greenhouse gas control programs, and to facilitate the development of integrated and cost-effective regional, national, and international greenhouse gas reduction programs.

38565. The state board shall ensure that the greenhouse gas emission reduction rules, regulations, programs, mechanisms, and incentives under its jurisdiction, where applicable and to the extent feasible, direct public and private investment toward the most disadvantaged communities in California and provide an opportunity for small businesses, schools, affordable housing associations, and other community institutions to participate in and benefit from statewide efforts to reduce greenhouse gas emissions.

PART 5. MARKET-BASED COMPLIANCE MECHANISMS

38570. (a) The state board may include in the regulations adopted pursuant to Section 38562 the use of market-based compliance mechanisms to comply with the regulations.

(b) Prior to the inclusion of any market-based compliance mechanism in the regulations, to the extent feasible and in furtherance of achieving the statewide greenhouse gas emissions limit, the state board shall do all of the following:

(1) Consider the potential for direct, indirect, and cumulative emission impacts from these mechanisms, including localized impacts in communities that are already adversely impacted by air pollution.

(2) Design any market-based compliance mechanism to prevent any increase in the emissions of toxic air contaminants or criteria air pollutants.

(3) Maximize additional environmental and economic benefits for California, as appropriate.

(c) The state board shall adopt regulations governing how market-based compliance mechanisms may be used by regulated entities subject to greenhouse gas emission limits and mandatory emission reporting requirements to achieve compliance with their greenhouse gas emissions limits.

38571. The state board shall adopt methodologies for the quantification of voluntary greenhouse gas emission reductions. The state board shall adopt regulations to verify and enforce any voluntary greenhouse gas emission reductions that are authorized by the state board for use to comply with greenhouse gas emission limits established by the state board. The adoption of methodologies is exempt from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

38574. Nothing in this part or Part 4 (commencing with Section 38560) confers any authority on the state board to alter any programs
administered by other state agencies for the reduction of greenhouse gas emissions.

PART 6. ENFORCEMENT

38580. (a) The state board shall monitor compliance with and enforce any rule, regulation, order, emission limitation, emissions reduction measure, or market-based compliance mechanism adopted by the state board pursuant to this division.

(b) (1) Any violation of any rule, regulation, order, emission limitation, emissions reduction measure, or other measure adopted by the state board pursuant to this division may be enjoined pursuant to Section 41513, and the violation is subject to those penalties set forth in Article 3 (commencing with Section 42400) of Chapter 4 of Part 4 of, and Chapter 1.5 (commencing with Section 43025) of Part 5 of, Division 26.

(2) Any violation of any rule, regulation, order, emission limitation, emissions reduction measure, or other measure adopted by the state board pursuant to this division shall be deemed to result in an emission of an air contaminant for the purposes of the penalty provisions of Article 3 (commencing with Section 42400) of Chapter 4 of Part 4 of, and Chapter 1.5 (commencing with Section 43025) of Part 5 of, Division 26.

(3) The state board may develop a method to convert a violation of any rule, regulation, order, emission limitation, or other emissions reduction measure adopted by the state board pursuant to this division into the number of days in violation, where appropriate, for the purposes of the penalty provisions of Article 3 (commencing with Section 42400) of Chapter 4 of Part 4 of, and Chapter 1.5 (commencing with Section 43025) of Part 5 of, Division 26.

(c) Section 42407 and subdivision (i) of Section 42410 shall not apply to this part.


38590. If the regulations adopted pursuant to Section 43018.5 do not remain in effect, the state board shall implement alternative regulations to control mobile sources of greenhouse gas emissions to achieve equivalent or greater reductions.

38591. (a) The state board, by July 1, 2007, shall convene an environmental justice advisory committee, of at least three members, to advise it in developing the scoping plan pursuant to Section 38561 and any other pertinent matter in implementing this division. The advisory committee shall be comprised of representatives from communities in the state with the most significant exposure to air pollution, including, but not limited to, communities with minority populations or low-income populations, or both.

(b) The state board shall appoint the advisory committee members from nominations received from environmental justice organizations and community groups.
(c) The state board shall provide reasonable per diem for attendance at advisory committee meetings by advisory committee members from nonprofit organizations.

(d) The state board shall appoint an Economic and Technology Advancement Advisory Committee to advise the state board on activities that will facilitate investment in and implementation of technological research and development opportunities, including, but not limited to, identifying new technologies, research, demonstration projects, funding opportunities, developing state, national, and international partnerships and technology transfer opportunities, and identifying and assessing research and advanced technology investment and incentive opportunities that will assist in the reduction of greenhouse gas emissions. The committee may also advise the state board on state, regional, national, and international economic and technological developments related to greenhouse gas emission reductions.

38592. (a) All state agencies shall consider and implement strategies to reduce their greenhouse gas emissions.

(b) Nothing in this division shall relieve any person, entity, or public agency of compliance with other applicable federal, state, or local laws or regulations, including state air and water quality requirements, and other requirements for protecting public health or the environment.

38593. (a) Nothing in this division affects the authority of the Public Utilities Commission.

(b) Nothing in this division affects the obligation of an electrical corporation to provide customers with safe and reliable electric service.

38594. Nothing in this division shall limit or expand the existing authority of any district, as defined in Section 39025.

38595. Nothing in this division shall preclude, prohibit, or restrict the construction of any new facility or the expansion of an existing facility subject to regulation under this division, if all applicable requirements are met and the facility is in compliance with regulations adopted pursuant to this division.

38596. The provisions of this division are severable. If any provision of this division or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

38597. The state board may adopt by regulation, after a public workshop, a schedule of fees to be paid by the sources of greenhouse gas emissions regulated pursuant to this division, consistent with Section 57001. The revenues collected pursuant to this section, shall be deposited into the Air Pollution Control Fund and are available upon appropriation, by the Legislature, for purposes of carrying out this division.

38598. (a) Nothing in this division shall limit the existing authority of a state entity to adopt and implement greenhouse gas emissions reduction measures.

(b) Nothing in this division shall relieve any state entity of its legal obligations to comply with existing law or regulation.

38599. (a) In the event of extraordinary circumstances, catastrophic events, or threat of significant economic harm, the Governor may adjust the applicable deadlines for individual regulations, or for the state in the aggregate, to the earliest feasible date after that deadline.
(b) The adjustment period may not exceed one year unless the Governor makes an additional adjustment pursuant to subdivision (a).

(c) Nothing in this section affects the powers and duties established in the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code).

(d) The Governor shall, within 10 days of invoking subdivision (a), provide written notification to the Legislature of the action undertaken.

SEC. 2  No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.
AB 87 (Bermudez)  
BILL TEXT

Chapter 406  
PASSED THE ASSEMBLY  AUGUST 31, 2006  
PASSED THE SENATE  AUGUST 30, 2006  
AMENDED IN SENATE  AUGUST 22, 2006  
AMENDED IN SENATE  AUGUST 15, 2005  
AMENDED IN SENATE  JULY 6, 2005  
AMENDED IN SENATE  JUN 23, 2005  
AMENDED IN SENATE  JUNE 6, 2005  
AMENDED IN ASSEMBLY  APRIL 25, 2005

INTRODUCED BY  Assembly Member Bermudez  
(Principal coauthor: Assembly Member Maze)  
(Coauthors: Assembly Members Benoit, Daucher, DeVore, Emmerson, Leslie, Mountjoy, Parra, and Sharon Runner)  
(Coauthor: Senator Machado)

JANUARY 6, 2005

An act to amend Section 4005 of the Fish and Game Code, relating to trapping licenses.

LEGISLATIVE COUNSEL’S DIGEST

AB 87, Bermudez  Trapping licenses: exemptions.  
Existing law requires every person, other than a fur dealer, who traps fur-bearing mammals or nongame mammals, designated by the Fish and Game Commission or who sells raw furs of those mammals, to procure a trapping license from the Department of Fish and Game.  
Existing law provides for the licensing by the Structural Pest Control Board of individuals who practice structural pest control.  
Existing law also provides for the licensing by the Department of Pesticide Regulation of various persons and businesses who apply pesticides.  
This bill would exempt a structural pest control operator licensed by the Structural Pest Control Board and a person or business licensed or certified by the Department of Pesticide Regulation from the licensing requirement for trapping specified mammals, as provided.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:
SECTION 1. Section 4005 of the Fish and Game Code is amended to read:

4005. (a) Except as otherwise provided in this section, every person, other than a fur dealer, who traps fur-bearing mammals or nongame mammals, designated by the commission or who sells raw furs of those mammals, shall procure a trapping license. "Raw fur" means any fur, pelt, or skin that has not been tanned or cured, except that salt-cured or sun-cured pelts are raw furs.

(b) The department shall develop standards that are necessary to ensure the competence and proficiency of applicants for a trapping license. No person shall be issued a license until he or she has passed a test of his or her knowledge and skill in this field.

(c) Persons trapping mammals in accordance with Section 4152 or 4180 are not required to procure a trapping license except when providing trapping services for profit.

(d) No raw furs taken by persons providing trapping services for profit may be sold.

(e) The license requirement imposed by this section does not apply to any of the following:

(1) Officers or employees of federal, county, or city agencies or the department, when acting in their official capacities, or officers or employees of the Department of Food and Agriculture when acting pursuant to the Food and Agricultural Code pertaining to pests or pursuant to Article 6 (commencing with Section 6021) of Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code.

(2) Structural pest control operators license pursuant to Chapter 14 (commencing with Section 8500) of Division 3 of the Business and Professions Code, when trapping rats, mice, voles, moles, or gophers.

(3) Persons and businesses licensed or certified by the Department of Pesticide Regulation pursuant to Chapter 4 (commencing with Section 11701) and Chapter 8 (commencing with Section 12201) of Division 6 of, and Chapter 3.6, (commencing with Section 14151) of Division 7 of, the Food and Agricultural Code, when trapping rats, mice, voles, moles, or gophers.
AB 289 (Chan)
BILL TEXT

PASSED THE ASSEMBLY AUGUST 30, 2006
PASSED THE SENATE AUGUST 29, 2006
AMENDED IN SENATE AUGUST 24, 2006
AMENDED IN SENATE AUGUST 7, 2006
AMENDED IN SENATE JUNE 21, 2006
AMENDED IN ASSEMBLY JANUARY 26, 2006
AMENDED IN ASSEMBLY MAY 26, 2005
AMENDED IN ASSEMBLY APRIL 20, 2005
AMENDED IN ASSEMBLY MARCH 14, 2005

INTRODUCED BY Assembly Member Chan
(Coauthors: Assembly Members Jerome Horton, Koretz, Lieber, and Pavley)
(Coauthor: Senator Kuehl)

FEBRUARY 9, 2005

An act to add Sections 57018, 57019, and 57020 to the Health and Safety Code, relating to hazardous chemicals.

LEGISLATIVE COUNSEL’S DIGEST

AB 289, Chan  Chemicals: testing methods.
Existing law required the California Environmental Protection Agency to initiate a scientific peer review of screening levels for certain contaminants and to complete the process by December 31, 2004. The agency was required to publish, by March 1, 2004, a list of screening numbers determined for specified contaminants, and to conduct public workshops in establishing and revising those levels.

This bill would authorize a state agency, as defined, to request a manufacturer, as defined, of a chemical, as defined, to provide the state agency with specified information regarding the chemical. The bill would provide that the information that a state agency may request, includes, but is not limited to, an analytical test method for that chemical in a specified matrix, the octanol-water partition coefficient and bioconcentration factor for humans for the chemical, and other information relevant to the fate and transport of the chemical into the environment. The bill would require the manufacturer to provide the requested information within one year, and would specify actions that a state agency is required to take before making the request. The bill would provide a procedure for when a manufacturer believes that information provided pursuant to a state agency request involves the release of a trade secret.
SECTION 1. The Legislature finds and declares all of the following:
(a) Every year more than 55,000,000 pounds of all chemicals are released in the state.
(b) Over 85,000 chemicals are commercially available today, and many are known to cause cancer and damage to the brain and the nervous and reproductive systems.
(c) Many of these chemicals do not persist, but instead break down in the environment or are metabolized by humans or biota into different, more stable compounds, which can be used as chemical indicators or biomarkers of exposure to the parent compound.
(d) For a majority of chemicals in use today, the matrix by which the chemical is transported into biota and humans is unknown and it is impossible to determine the chemical's level in humans. Analytical test methods only exist for approximately 30 percent of all chemicals.
(e) It costs the federal and state governments time and money to develop analytical test methods for chemicals or their chemical biomarkers of exposure. It is conservatively estimated that developing analytical test methods for each chemical costs over one hundred thousand dollars ($100,000).
(f) In the interests of human health, it should be the responsibility of those who manufacture or import a chemical to provide relevant information on the fate and transport of that chemical into the environment.
SEC. 2. Section 57018 is added to the Health and Safety Code, to read:
57018. (a) For purposes of Sections 57019 and 57020, the following definitions shall apply:
(1) "Analytical test method" means a procedure used to sample, prepare, and analyze a specific matrix to determine the identity and concentration of a specified chemical and its metabolites and degradation product. An analytical test method shall conform to the standards adopted by the National Environmental Laboratory Accreditation Conference.
(2) "Bioconcentration factor" means the concentration of a chemical in an organism divided by its concentration in a test solution or environment.
(3) "Chemical" has the same meaning as a chemical substance, as defined in Section 2602 of Title 15 of the United States Code.
(4) "Manufacturer" means a person who produces a chemical in this state or who imports a chemical into this state for sale in this state.
(5) "Matrix" includes, but is not limited to, water, air, soil, sediment, sludge, chemical waste, fish, blood, adipose tissue, and urine.
(6) "Octanol-water partition coefficient" means the ratio of the concentration of a chemical in octanol and in water at equilibrium and at a specified temperature.
(7) "State agency" means the State Air Resources Board, the Department of Toxic Substances Control, the Integrated Waste Management Board, the Office of Environmental Health Hazard Assessment, the State Water Resources Control Board, and the California Environmental Protection Agency. "State agency" does not include the Department of Pesticide Regulation.
SEC. 3. Section 57019 is added to the Health and Safety Code, to read:
57019. (a) The California Environmental Protection Agency shall coordinate all requests for information from manufacturers made pursuant to this section on behalf of the state agencies.

(b) In coordinating the requests made pursuant to this section, the California Environmental Protection Agency shall seek to accomplish the following objectives:

1. Minimize or eliminate duplicate requests for the same or similar information.
2. Coordinate with manufacturers of the same chemical to develop and submit the requested information in an equitable and resource-efficient manner.
3. To the extent practicable minimize the cost burden on individual manufacturers.

(c) A state agency, before requesting any information from a manufacturer pursuant to subdivision (d), shall do all of the following:

1. Post on its Internet Web site and the Internet Web site of the California Environmental Protection Agency an announcement that it seeks information pursuant to subdivision (d), including the chemical for which it seeks information, the type of information it is seeking, and the reason for seeking the information.
2. Conduct a search for the information it seeks of all known public sources of information on the chemicals for which an announcement has been posted pursuant to paragraph (1). All known public sources include public and electronically searchable databases maintained by the federal government, state governments, and intergovernmental organizations.
3. Make reasonable attempts to contact all manufacturers of chemicals listed for which an announcement has been posted pursuant to paragraph (1) to obtain any relevant information that may be held by those manufacturers but is not publicly available.
4. Make reasonable attempts to consult with all manufacturers of chemicals listed for which an announcement has been posted pursuant to paragraph (1) to determine what additional information, if any, those manufacturers need to develop to assist the state agency in evaluating the fate and transport of those chemicals in the relevant matrices.
5. Make reasonable attempts to consult with all manufacturers to evaluate the technical feasibility of developing the information requested by the agency.

(d) (1) A state agency may request a manufacturer to provide additional information on a chemical for which an announcement has been posted pursuant to paragraph (1) of subdivision (c).

2. Upon request of a state agency, the manufacturer, within one year, shall provide the state agency with the additional information requested for the specified chemical.

3. The information that the state agency requests may include, but is not limited to, any of the following:

A. An analytical test method for that chemical, or for metabolites and degradation products for that chemical that are biologically relevant in the matrix specified by the state agency.

B. The octanol-water partition coefficient and bioconcentration factor for humans for that chemical.
(C) Other relevant information on the fate and transport of that chemical in the environment.

(4) The manufacturer responding to a request pursuant to this subdivision shall collaborate and cooperate with the state agency making the request to the extent practicable for the following purposes:

(A) To ensure that the information being provided meets the needs of the state agency.

(B) To reduce disagreements over the information being provided.

(C) To decrease to the maximum extent possible the effort and resources the state agency must expend to verify and validate the information provided.

(e) The definitions in Section 57018 apply to this section.

(f) This section shall not be construed to limit the authority of a state agency to obtain information pursuant to any other provision of law.

SEC. 4. Section 57020 is added to the Health and Safety Code, to read:

57020. (a) Notwithstanding Section 6254.7 of the Government Code, if a manufacturer believes that information provided to a state agency pursuant to Section 57019 involves the release of a trade secret, the manufacturer shall make the disclosure to the state agency and notify the state agency in writing of that belief. In its written notice, the manufacturer shall identify the portion of the information submitted to the state agency that it believes is a trade secret and provide documentation supporting its conclusion.

(b) Subject to this section, the state agency shall protect from disclosure a trade secret designated as such by the manufacturer, if that trade secret is not a public record.

(c) Upon receipt of a request for the release of information to the public that includes information that the manufacturer has notified the state agency is a trade secret and that is not a public record, the following procedure applies:

(1) The state agency shall notify the manufacturer that disclosed the information to the state agency of the request, in writing by certified mail, return receipt requested.

(2) The state agency shall release the information to the public, but not earlier than 30 days after the date of mailing the notice of the request for information, unless, prior to the expiration of the 30-day period, the manufacturer obtains an action in an appropriate court for a declaratory judgment that the information is subject to protection under this section or for a preliminary injunction prohibiting disclosure of the information to the public and promptly notifies the state agency of that belief. In order to prevent the state agency from releasing the information to the public, the manufacturer shall obtain a declaratory judgment or preliminary injunction within 30 days of filing an action for a declaratory judgment or preliminary injunction.

(d) This section does not authorize a manufacturer to refuse to disclose to the state agency information required by Section 57019.

(e) Any information that a court, pursuant to this section, determines is a trade secret and not a public record, or pending final judgment pursuant to subdivision (c), shall not be disclosed by the state agency to anyone, except to an officer or employee of a city or county, the state, or the United States, or to a contractor with a city or county, or the state, and its employees, if, in the opinion of the state agency, disclosure is necessary and required for the satisfactory performance of
a contract, for the performance of work, or to protect the health and safety of the employees of the contractor.

(f) The definitions in Section 57018 apply to this section.
AB 1803 (Committee on Budget)

BILL TEXT
CHAPTER 77

FILED WITH SECRETARY OF STATE JULY 18, 2006
APPROVED BY GOVERNOR JULY 18, 2006
PASSED THE SENATE JUNE 27, 2006
PASSED THE ASSEMBLY JUNE 27, 2006
AMENDED IN SENATE JUNE 27, 2006

INTRODUCED BY Committee on Budget (Laird (Chair), Arambula, Bermudez, Chan, Coto, De La Torre, Evans, Goldberg, Hancock, Montanez, Mullin, Nava, Parra, Pavley, and Wolk)

JANUARY 10, 2006

An act to amend Section 11472.1 of the Food and Agricultural Code, to amend Sections 7361, 12015, and 13007 of, and to add Section 13001.5 to, the Fish and Game Code, to amend Section 51283 of, and to add Sections 12805.6 and 67125 to, the Government Code, to amend Sections 25160, 25173.6, 25173.7, 25192, 25205.6, 25205.15, 25297.1, 25324, 25330.2, 25351.2, 25353, 25355.5, 25355.6, 25356.1, 25356.4, 25359.3, 25359.4.5, 25360, 25360.2, 25360.3, 25360.4, 25361, 25365.6, 25368.2, 25385.1, and 25385.6 of, to amend and repeal Sections 25330, 25334, 25384.3, and 25385.8 of, to add Sections 39607.4 and 42871 to, and to repeal Sections 25336, 25351.1, 25351.6, and 25385.9, and Chapter 6 (commencing with Section 42800) of Part 4 of Division 26 of, the Health and Safety Code, to amend Sections 4799.13, 5090.15, 5090.70, 30533, 42885, and 42889 of, to add Sections 4137, 5003.11, 5818.1, 5818.2, 8709.5, and 25731 to, and to repeal Chapter 8.5 (commencing with Section 25730) of Division 15 of, the Public Resources Code, to amend Section 38225 of the Vehicle Code, and to amend Sections 79441, 79452, and 79452.3 of, and to add Sections 141.5 and 79442 to, and Chapter 2.5 (commencing with Section 79473) to Division 26.4 of, the Water Code, relating to public resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1803, Committee on Budget Public resources.

(1) Existing law requires the Department of Pesticide Regulation to publish a financial report each year that describes the amount and source of funding of, and the cost to operate, each branch of the department, and the funding of the major programs within those branches.
This bill would instead require the department to report the amount and source of funding for the major programmatic functions of the department.

…

(27) The bill would declare that it is to take effect immediately, as an urgency statute.

Appropriation: yes.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 11472.1 of the Food and Agricultural Code is amended to read:

11472.1. On or before October 31 of each year, the department shall publish a financial report regarding the preceding fiscal year and shall make this report available to the public. The report shall describe in detail the amount and source of funding for the major programmatic functions of the department and other relevant information that may aid in evaluating the scope and impact of the activities of the department.

…..

SEC. 67. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 68. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to make the necessary statutory changes to implement the Budget Act of 2006 at the earliest possible time, it is necessary that this act take effect immediately.
AB 2648, Matthews  Pesticides.

Existing law authorizes the Director of the Department of Pesticide Regulation to rely upon any evaluations of previously submitted data with respect to an application for registration, an amendment to a registration, or to maintain a registration of a registered pesticide if certain criteria are met including that the applicant either obtain written permission from the owner to rely on the data or irrevocably offer to pay the owner a share of the cost of producing the data, as specified.

This bill would make technical-clarifying amendments to those provisions.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 12811.5 of the Food and Agricultural Code is amended to read:

12811.5. The director may rely upon any evaluations of previously submitted data to determine whether to accept an application for registration of a new pesticide product, an amendment to the registration of a registered pesticide product, or to maintain the registration of a registered pesticide product regardless of the ownership of the data previously evaluated. However, effective January 1, 2006, applicants will be subject to the following provisions:

(a) If an applicant for registration of a pesticide product, or an amendment to the registration of a registered pesticide product, including a registrant that desires to maintain its registration of a registered pesticide product after the director makes a formal reevaluation request for additional data, does not submit its own data to fulfill a current data requirement imposed by the director
and relies upon data that the applicant does not own or have written permission
to rely upon that was submitted to the director by another entity after January 1,
1991, and meets the three criteria set forth in this subdivision, the applicant must
either (i) obtain written permission from the data owner to rely on the data, (ii)
formulate or obtain its product from a source that has data authorization from
the data owner, or a source that complies with subdivision (c), or (iii) if the data
meets the criteria set forth in paragraphs (1), (2), and (3), irrevocably offer to pay
the data owner a share of the cost of producing the data and comply with the
provisions of subdivision (d). The director may rely upon data submitted prior to
January 1, 1991, or that does not meet the criteria set forth in paragraphs (1), (2),
and (3) to support any application or comply with any formal reevaluation request
for additional data, without permission from the data owner. An offer to pay, and
a payment pursuant to that offer, shall only be required as to data not
submitted by the applicant that meets the criteria set forth in paragraphs (1), (2),
and (3). To be eligible for cost sharing pursuant to this subdivision, the data must
meet all of the following requirements:

(1) The data was required by the director in order to obtain, amend, or maintain
the data owner's California registration or registrations for uses covered by the
application, amendment, or formal reevaluation request for additional data.

(2) There has been no arbitration award, data compensation, or data cost-
sharing agreement pertaining to data supporting the product at the federal level
pursuant to Section 3(c)(1) (F)(iii) or 3(c)(2) (B) of the Federal Insecticide,
Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136a(c)(1)(F)(iii) or
136a(c)(2)(B)), or, if an award or agreement exists, the use of data in California
was excluded from compensation or cost sharing on its face.

(3) The data that fulfills a current requirement was submitted to the United
States Environmental Protection Agency or the department no more than 15
years prior to the date of the applicant's California registration, application, or
amendment or the formal reevaluation request for additional data to which the
registrant's reliance responds, provided that as to data submitted to the
department as of August 1, 2005, in support of the first registration of a product,
the applicable period shall be 17 years from the date of submission to the United
States Environmental Protection Agency.

(b) If the director previously imposed a specific documented data requirement
after January 1, 1991, to obtain, amend, or maintain the California registration of
a pesticide product substantially similar to the applicant's product and that data
requirement is not currently imposed in California for registration, amendment, or
maintenance of the applicant's product, the applicant is further obligated to
submit data to meet the requirement, obtain written permission from an owner of
the data to rely upon the data, formulate or obtain its product from a source that
has authorization from the data owner to rely upon the data or from a source that
complies with subdivision (c), or, if the data meets the criteria set forth in
paragraphs (1), (2), and (3), irrevocably offer to pay the data owner a share in the
cost of producing the data and comply with the provisions of subdivision (c). An
offer to pay, and a payment pursuant to that offer, shall only be required as to
data not submitted by the applicant that meets the criteria set forth in paragraphs
(1), (2), and (3). To be eligible for cost sharing pursuant to this subdivision, the
data must meet all of the following requirements:
(1) The data met a specific, documented requirement of the director to obtain, amend, or maintain the California registration of the data owner's pesticide product for a use covered by the applicant's application or amendment.

(2) There has been no arbitration award, data compensation, or data cost-sharing agreement pertaining to data supporting the product at the federal level pursuant to Section 3(c)(1)(F)(iii) or 3(c)(2) (B) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136a(c)(1)(F)(iii) or 136a(c)(2)(B)), or, if an award or agreement exists, the use of the data in California was excluded from compensation or cost sharing on its face.

(3) The data was submitted to the U.S. Environmental Protection Agency or Department of Pesticide Regulation by the data owner after January 1, 1991, and no more than 15 years prior to the date of the applicant's California application for registration or amendment or the response to a formal specific document data requirement to which the registrant's reliance responds, provided that as to data submitted to the department as of August 1, 2005, in support of the first registration of a product, the applicable period shall be 17 years from the date of submission to the U.S. Environmental Protection Agency.

(c) An applicant may formulate its product from a source that does not have data authorization provided that source has submitted data to support the product or makes or has made an irrevocable offer to pay the data owner a share of the cost of producing the data required pursuant to subdivision (a) or (b) for the applicant's product and complies with or has made payment in accordance with the provisions of subdivision (d). In the event that the source has already reached a data compensation or cost-sharing agreement or there has been an arbitration award under the Federal Insecticide, Fungicide, and Rodenticide Act (commencing at 7 U.S.C. Sec. 136) that excludes the right to rely on the data to satisfy the California requirement on its face, the source must make or have made a new irrevocable offer to pay a share of the cost of producing that data to support the applicant's product in California and comply with the provisions of subdivision (d).

(d) If an applicant is required to offer to pay a share in the cost of producing the data pursuant to subdivision (a) or (b), or if a source of product makes an offer pursuant to subdivision (c), the applicant or source must submit to the data owner upon application to the department an irrevocable offer to pay the data owner a share in the cost of producing the data and to comply with regulations promulgated under this subdivision to determine the amount and terms, if the parties cannot agree. If a data owner for which cost sharing is required under subdivision (a) or (b) cannot be identified from information readily available to the applicant, the applicant's obligation under subdivision (a) or (b) will be absolved if the data owner does not identify himself or herself to the applicant within 12 months after registration of the pesticide product. If within 12 months of registration, the data owner identifies himself or herself to the applicant and the applicant has not already made an irrevocable offer to pay to the data owner, or the applicant's source of product has not made an offer pursuant to subdivision (c), the applicant must do so promptly. In either event, the specific terms and amount of payments to be made shall be fixed by agreement between the applicant and the data owner, but determination of those amounts and terms shall not delay approval of the applicant's application.
If agreement cannot be reached about the terms and amount of payment required by this section at any time more than 90 days after issuance of an irrevocable offer to pay, either the applicant, source or data owner may initiate, or with the consent of all parties, join a proceeding under the Federal Insecticide, Fungicide, and Rodenticide Act (commencing at 7 U.S.C. Sec. 136), pursuant to regulations promulgated by the director pursuant to this statute. The purpose of this proceeding shall be to determine the amount due under this section. The director shall promulgate those regulations as emergency regulations within 60 days of the enactment of the bill that enacts this section. The regulations shall provide all of the following:

(1) Allow the proceeding authorized by this subdivision, upon mutual agreement of the parties, to be consolidated with dispute resolution under the Federal Insecticide Fungicide and Rodenticide Act (commencing at 7 U.S.C. Sec. 136).

(2) Require that the decisionmaker consider, among other factors, that the data owner's exclusive right to sell the pesticide resulted in the data owner recovering all or part of the costs of generating the data.

(3) Require that the parties to the proceeding share equally in the payment of the expenses thereof.

(e) If a data owner fails to participate in a procedure for reaching an agreement or in a proceeding as required by subdivision (d), or fails to comply with the terms of an agreement or decision conducted under subdivision (d), then that data owner forfeits his or her right to cost recovery as a result of the use of the data at issue.

(f) If the director finds that an applicant has failed to make an offer to pay as required under subdivision (a) or (b), or if its source of product has failed to make an offer pursuant to subdivision (c), or if an applicant or its source of product has failed to participate in a proceeding for reaching an agreement, or has refused to participate in a proceeding pursuant to subdivision (d), or has failed to comply with an agreement or to comply with an order, or to pay an award resulting from that proceeding, the director shall cancel the registration of the pesticide product in support of which the data was used in accordance with the provisions of subdivision (g), notwithstanding the provisions of Section 12825.

(g) If the applicant subject to subdivision (a) or (b) fails to comply with the provisions of this article, the data owner shall notify the director of the specific provision of noncompliance and provide proof of notification to the applicant of its claim of noncompliance. All parties shall have 30 days from the date of receipt of notification by the director to submit written evidence or arguments to the director regarding the claim and any defenses thereto. The director shall provide a written finding within 60 days of the deadline for submission as to the claim and the resulting consequences.

(h) No hearing or live testimony shall be conducted under subdivision (g) and this proceeding shall not be used as mechanism to prevent or delay the registration or payment for cost sharing as determined by this article. The finding of the director shall be final and conclusive, except that any party aggrieved by such a finding may seek review within 30 days of the finding pursuant to Section 1094.5 of the Code of Civil Procedure.
(i) In lieu of seeking a determination by the director and cancellation of the registration pursuant to subdivision (f), the data owner may bring an action in any California court of competent jurisdiction against the applicant to enforce the obligations of that party set forth in the provisions of this section.

(j) No cost sharing as provided in subdivisions (a), (b), and (c) shall be required to support an application for annual renewal of a pesticide product registration, provided this provision shall not authorize renewal of a product registered prior to the effective date of this section if that registration is declared to have been unlawfully issued by a court of competent jurisdiction.

(k) The Department of Pesticide Regulation shall make available in the public domain its index of data submitted in support of registration applications, the ownership of that data, and the date it was submitted to California.

SEC. 2. Section 12836.6 of the Food and Agricultural Code is amended to read:

12836.6. The director shall, with the assistance of the Legislative Analyst, conduct a study to consider more carefully the consequences of data-sharing agreements required under Section 12811.5 and the volume of high-hazard pesticides sold in California. The report shall be submitted to the Legislature no later than December 31, 2008.
AB 2865 (Torrico)
BILL TEXT

INTRODUCED BY  Assembly Member Torrico
(Principal coauthor: Assembly Member Montanez)
(Coauthors: Assembly Members Jones, Koretz, Lieber, Lieu, Strickland, and Pavley)
(Coauthor: Senator Migden)

FEBRUARY 24, 2006

An act to amend Sections 17609, 17610, 17610.1, and 17612 of the Education Code, to amend Sections 13181, 13183, 13185, and 13186 of the Food and Agricultural Code, to amend Section 1596.845 of, and to add Section 1596.794 to the Health and Safety Code, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 2865, Torrico  School safety.

Existing law, the Healthy Schools Act of 2000 requires that the preferred method of managing pests at schoolsites be to use effective, least toxic pest management practices and requires schoolsites to maintain records of all pesticides used at the schoolsite for a period of 4 years. Existing law requires schools to provide all staff and parents or guardians of pupils enrolled at a school written notification of, among other things, expected pesticide use at that site.

This bill would expand the definition of "schoolsite" as used in these provisions to also include private child day care facilities, as specified. This bill would also require property owners to notify tenants who operate a child day care facility of their pest management practices and to provide a specified notice prior to the application of pesticides. This bill would also require child day care facilities to inform contractors hired to apply pesticide at the schoolsite that the facility must comply with the act and require persons hired to apply pesticides at a child day care facility to provide specified information to the facility. This bill would require the Department of Pesticide Regulation to promote and facilitate the adoption of integrated pest management programs at child day care facilities, as specified. This bill would make other conforming changes.
THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 17609 of the Education Code is amended to read:

17609. The definitions set forth in this section govern the construction of this article unless the context clearly requires otherwise:
   (a) "Antimicrobial" means those pesticides defined by the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136(mm)).
   (b) "Crack and crevice treatment" means the application of small quantities of a pesticide consistent with labeling instructions in a building into openings such as those commonly found at expansion joints, between levels of construction and between equipment and floors.
   (c) "Emergency conditions" means any circumstances in which the school designee or a property owner of a property where a privately operated child day care facility is located, or the property owner's agent, deems that the immediate use of a pesticide is necessary to protect the health and safety of pupils, staff, or other persons, or the schoolsite.
   (d) "School designee" means the individual identified by a schoolsite or school district to carry out the requirements of this article at the schoolsite.
   (e) "Schoolsite" means any facility used as a child day care facility, as defined in Section 1596.750 of the Health and Safety Code, or for kindergarten, elementary, or secondary school purposes. The term includes the buildings or structures, playgrounds, athletic fields, vehicles, or any other area of property visited or used by pupils. "Schoolsite" does not include any postsecondary educational facility attended by secondary pupils or private kindergarten, elementary, or secondary school facilities. For child day care facilities, the State Department of Social Services shall serve as the liaison to these facilities, as needed.

SEC. 1.5. Section 17610 of the Education Code is amended to read:

17610. (a) It is the policy of the state that effective least toxic pest management practices should be the preferred method of managing pests at schoolsites and that the state, in order to reduce children's exposure to toxic pesticides, shall take the necessary steps, pursuant to Article 17 (commencing with Section 13180) of Chapter 2 of Division 7 of the Food and Agricultural Code, to facilitate the adoption of effective least toxic pest management practices at schoolsites. It is the intent of the Legislature to encourage appropriate training to be provided to school personnel involved in the application of a pesticide at a schoolsite.
   (b) (1) A property owner of a property where a child day care facility is located, or the property owner's agent, who personally applies any pesticides on any area listed in paragraph (2) shall provide notice to the child day care facility as described in paragraph (3) at least 120 hours before the application, unless an emergency condition, as defined in Section 17609, exists.
   (2) An owner of property on which a child day care facility is located shall be subject to the requirement to provide notice pursuant to this subdivision 30 days after it has received notice from a child day care facility of its presence at the property, unless the
property owner, or his or her agent received that notice pursuant to paragraph (1) of subdivision (d) of Section 1597.40 of the Health and Safety Code prior to the effective date of this subdivision in which case the property owner will be subject to the notice requirements on and after the effective date of this subdivision.

(2) This subdivision applies when a property owner or his or her agent intend to personally apply pesticides on any of the following:
   (A) Inside the rented premises on which child day care facility is located.
   (B) Upon a designated child day care facility playground designated by the property owner.
   (C) Upon an area designated for use by the child day care facility.
   (D) Upon an area within 10 feet of the perimeter of the child day care facility.

(3) The notice required by paragraph (1) shall include the following:
   (A) The product name.
   (B) The manufacturer’s name.
   (C) The active ingredients of each pesticide.
   (D) The United States Environmental Protection Agency’s product registration number.
   (E) The intended date of application.
   (F) Those areas of application listed in paragraph (2).
   (G) The reason for application.

(4) A notice of pesticide application provided to a tenant pursuant to subdivision (d) of Section 13186 of the Food and Agricultural Code shall satisfy the notice requirements of this section.

(5) If the child day care facility ceases to operate on the property, the provisions of this act shall no longer apply to the property.

SEC. 2. Section 17610.1 of the Education Code is amended to read:

17610.1. (a) (1) The use of a pesticide on a schoolsite is prohibited if that pesticide is granted a conditional registration, an interim registration, or an experimental use permit by the Department of Pesticide Regulation, or if the pesticide is subject to an experimental registration issued by the United States Environmental Protection Agency, and either of the following is applicable:
   (A) The pesticide contains a new active ingredient.
   (B) The pesticide is for a new use. This paragraph does not apply to a conditionally registered pesticide that is approved for other uses that has fulfilled all registration requirements that relate to human health, including, but not limited to, the completion of mandatory health effect studies pursuant to the Birth Defect Prevention Act of 1984 (Art. 14 (commencing with Sec. 13121), Ch. 2, Div. 7, F. & A.C.). The requirements of this section are not intended to impose any new labeling requirements.

   (2) The use of a pesticide on a schoolsite is prohibited if the Department of Pesticide Regulation cancels or suspends registration, or requires phase out of use, of that pesticide.
   (b) Vendors or manufacturers of pesticides that are prohibited for use on a schoolsite pursuant to subdivision (a) are prohibited from furnishing those pesticides to school districts or schoolsites either by sale or by gift.
(c) This section does not apply to public health pesticides or antimicrobial pesticides registered pursuant to Section 12836 of the Food and Agricultural Code.

SEC. 3. Section 17612 of the Education Code is amended to read:

17612. (a) The school designee shall annually provide to all staff and parents or guardians of pupils enrolled at a schoolsite a written notification of the name of all pesticide products expected to be applied at the schoolsite during the upcoming year. The notification shall identify the active ingredient or ingredients in each pesticide product. The notice shall also contain the Internet address used to access information on pesticides and pesticide use reduction developed by the Department of Pesticide Regulation pursuant to Section 13184 of the Food and Agricultural Code and may contain other information deemed necessary by the school designee. No other written notification of pesticide applications shall be required by this act except as follows:

(1) In the written notification provided pursuant to this subdivision, the school designee shall provide the opportunity for recipients to register with the schoolsite if they wish to receive notification of individual pesticide applications at the schoolsite. Persons who register for notification shall be notified of individual pesticide applications at least 72 hours prior to the application. The notice shall include the product name, the active ingredient or ingredients in the product, and the intended date of application.

(2) If a pesticide product not included in the annual notification is subsequently intended for use at the schoolsite, the school designee shall, consistent with this subdivision and at least 72 hours prior to application, provide written notification of its intended use.

(b) The school designee shall make every effort to meet the requirements of this section in the least costly manner. Annual notification by a school district to parents and guardians shall be provided pursuant to Section 48980.3. Any other notification shall, to the extent feasible and consistent with the act adding this article, be included as part of any other written communication provided to individual parents or guardians. Nothing in this section shall require the school designee to issue the notice through first-class mail, unless he or she determines that no other method is feasible.

(c) Pest control measures taken during an emergency condition as defined in Section 17609 shall not be subject to the requirements of paragraphs (1) and (2) of subdivision (a). However, the school designee or property owner shall make every effort to provide the required notification for an application of a pesticide under emergency conditions.

(d) The school designee shall post each area of the schoolsite where pesticides will be applied with a warning sign. The warning sign shall prominently display the term "Warning/Pesticide Treated Area" and shall include the product name, manufacturer's name, the United States Environmental Protection Agency's product registration number, intended date and areas of application, and reason for the pesticide application. The warning sign shall be visible to all persons entering the treated area and shall be posted 24 hours prior to the application and remain posted until 72 hours after the application. In case of a pest control emergency, the warning sign shall be posted immediately upon application and shall remain posted until 72 hours after the application.

(e) Subdivisions (a) and (d) shall not apply to schools operated by the Division of Juvenile Justice. The school administrator of a school operated by the Division of Juvenile Justice shall notify the chief medical officer of that facility at least 72 hours prior to application of pesticides. The chief medical officer shall take any steps necessary to protect the health of pupils in that facility.
(f) This section and Section 17611 shall not apply to activities undertaken at a school by participants in the state program of agricultural vocational education, pursuant to Article 7 (commencing with Section 52450) of Chapter 9 of Part 28, if the activities are necessary to meet the curriculum requirements prescribed in Section 52454. Nothing in this subdivision relieves schools participating in the state program of agricultural vocational education of any duties pursuant to this section for activities that are not directly related to the curriculum requirements of Section 52454.

(g) Sections 17610 to 17612, inclusive, shall not apply to family day care homes or property owners of day care homes, as defined in Section 1596.78 of the Health and Safety Code, or their agents who personally apply any pesticides.

(h) If pesticide is applied by a property owner or his or her agent, or by a pest control operator, failure to provide notice pursuant to subdivision (b) of Section 17610 or subdivision (d) of Section 13186 of the Food and Agricultural Code shall relieve a privately operated child day care facility from the requirements of this section.

SEC. 3.5. Section 13181 of the Food and Agricultural Code is amended to read:

13181. Notwithstanding any other provision of law, for purposes of this article, "integrated pest management" means a pest management strategy that focuses on long-term prevention or suppression of pest problems through a combination of techniques such as monitoring for pest presence and establishing treatment threshold levels, using nonchemical practices to make the habitat less conducive to pest development, improving sanitation, and employing mechanical and physical controls. Pesticides that pose the least possible hazard and are effective in a manner that minimizes risks to people, property, and the environment, are used only after careful monitoring indicates they are needed according to preestablished guidelines and treatment thresholds. This definition shall apply only to integrated pest management at school facilities and child day care facilities.

SEC. 4. Section 13183 of the Food and Agricultural Code is amended to read:

13183. (a) The Department of Pesticide Regulation shall promote and facilitate the voluntary adoption of integrated pest management programs for schoolsites, excluding privately-operated child day care facilities, as defined in Section 1596.750 of the Health and Safety Code, that voluntarily choose to do so. For these schoolsites, the department shall do all of the following:

(1) Establish an integrated pest management program for schoolsites consistent with Section 13181. In establishing the program, the department shall:

(A) Develop criteria for identifying least-hazardous pest control practices and encourage their adoption as part of an integrated pest management program at each schoolsite.

(B) Develop a model program guidebook that prescribes essential program elements for schoolsites that have adopted a least-hazardous integrated pest management program. At a minimum, this guidebook shall include guidance on all of the following:

(i) Adopting an IPM policy.

(ii) Selecting and training an IPM coordinator.

(iii) Identifying and monitoring pest populations and damage.

(iv) Establishing a community-based school district advisory committee.

(v) Developing a pest management plan for making least-hazardous pest control choices.
(vi) Contracting for integrated pest management services.
(vii) Training and licensing opportunities.
(viii) Establishing a community-based right-to-know standard for notification and posting of pesticide applications.
(xi) Recordkeeping and program review.

(2) Make the model program guidebook available to schoolsites and establish a process for systematically updating the guidebook and supporting documentation.

(b) The department shall promote and facilitate the voluntary adoption of integrated pest management programs at child day care facilities, as defined in Section 1596.750 of the Health and Safety Code, through the following:

(1) Modifying the department's existing integrated pest management program for schoolsites as described in subdivision (a) of Section 13183 for the child day care setting.

(2) Creating or modifying existing educational and informational materials on integrated pest management for the child day care setting.

(3) Making the materials available to child day care facilities and establishing a process for systematically updating them.

SEC. 5. Section 13185 of the Food and Agricultural Code is amended to read:

13185. (a) The department shall establish an integrated pest management training program in order to facilitate the adoption of a model IPM program and least-hazardous pest control practices by schoolsites. In establishing the IPM training program, the department shall do all of the following:

(1) Adopt a "train-the-trainer" approach, whenever feasible, to rapidly and broadly disseminate program information.

(2) Develop curricula and promote ongoing training efforts in cooperation with the University of California and the California State University.

(3) Prioritize outreach on a regional basis first and then to school districts. For outreach to child day care facilities, the department shall participate in existing trainings that provide opportunities for disseminating program information broadly on a regional basis.

(b) Nothing in this article shall preclude a schoolsite from adopting stricter pesticide use policies.

SEC. 6. Section 13186 of the Food and Agricultural Code is amended to read:

13186. (a) The Legislature finds and declares that the Department of Pesticide Regulation, pursuant to Section 12979 of the Food and Agricultural Code and Sections 6624 and 6627 of Title 3 of the California Code of Regulations, requires persons engaged for hire in the business of pest control to maintain records of pesticide use and report a summary of that pesticide use to the county agricultural commissioner or director. The Legislature further finds and declares that it is in the interest of the state, in implementing a school integrated pest management program pursuant to this article, to collect specified information on the use of pesticides at schoolsites.

(b) The Department of Pesticide Regulation shall prepare a school pesticide use form to be used by licensed and certified pest control operators when they apply any pesticides at a schoolsite. The form shall include, for each application at a schoolsite, the name and
address of the schoolsite, date and location of application, pesticide product name, and the quantity of pesticide used. Nothing in this section shall change any existing applicable pesticide use reporting requirements.

(c) Persons who are required to submit pesticide use records to the county agricultural commissioner or director shall complete and submit to the director the school pesticide use forms established pursuant to this section. The forms shall be submitted annually and may be submitted more often at the discretion of the pest control operator maintaining the forms. Child day care facilities, excluding family day care homes, as defined in Section 1596.78 of the Health and Safety Code, which are subject to the Healthy Schools Act of 2000, shall inform contractors hired to apply pesticides at the schoolsite that the facility must comply with the Healthy Schools Act of 2000.

(d) Any person who is hired to apply pesticides at a child day care facility, excluding family day care homes, as defined in Section 1596.78 of the Health and Safety Code, shall provide that facility's school designee with all of the following information at least 120 hours in advance of any pesticide application, except in the case of an emergency condition, as defined in Section 17609 of the Education Code:

1. The pesticide product name.
2. The pesticide manufacturer's name.
3. The United States Environmental Protection Agency's product registration number.
4. The active ingredient or ingredients in the pesticide product.
5. The areas of application.
6. The intended date of application.
7. The reason for the pesticide application.

(e) If a person hired to apply pesticides contracts directly with the property owner or his or her agent rather than directly with the child day care facility, excluding family day care homes, as defined in Section 1596.78 of the Health and Safety Code, the property owner or his or her agent must notify the contractor that a child day care facility is being operated on the property at which the pesticides are to be applied to enable the contractor to comply with subdivision (d).

SEC. 7. Section 1596.794 is added to the Health and Safety Code, to read:

1596.794. The department shall serve as the liaison to child day care facilities for the purposes of Sections 17608 to 17613, inclusive, of the Education Code.

SEC. 8. Section 1596.845 of the Health and Safety Code is amended to read:

1596.845. Prior to the issuance of a new license or special permit pursuant to this chapter, Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30) the applicant shall attend an orientation given by the department. The orientation given by the department shall outline all of the following:

(a) The rules and regulations of the department applicable to child day care facilities.
(b) The scope of operation of a child day care facility.
(c) The responsibility entailed in operating a child day care facility.
(d) Information about the Healthy Schools Act of 2000 and integrated pest management practices.
SB 230 (Figueroa)
BILL TEXT

CHAPTER 42
FILED WITH SECRETARY OF STATE JUNE 12, 2006
APPROVED BY GOVERNOR JUNE 12, 2006
PASSED THE SENATE JUNE 1, 2006
PASSED THE ASSEMBLY MAY 22, 2006
AMENDED IN ASSEMBLY MAY 15, 2006
AMENDED IN SENATE APRIL 18, 2005

INTRODUCED BY Senator Figueroa

FEBRUARY 15, 2005

An act to repeal Section 8698.6 of the Business and Professions Code, relating to pests, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL’S DIGEST

SB 230, Figueroa Structural Fumigation Enforcement Program.
Existing law provides that the Los Angeles County Agricultural Commissioner or the Orange County Agricultural Commissioner may contract with the Director of the Department of Pesticide Regulation to perform increased structural fumigation, inspection, and enforcement activities. Existing law authorizes the director to adopt regulations to carry out these provisions and to levy a civil penalty against a person violating these provisions. Under existing law, these provisions would be repealed on July 1, 2006.

This bill would extend these provisions indefinitely.
This bill would declare that it is to take effect immediately as an urgency statute.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 8698.6 of the Business and Professions Code is repealed.
SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:
In order to ensure that the Structural Fumigation Enforcement Program continues in operation, it is necessary that this act take effect immediately.
SB 1070, Kehoe

Water quality information.

(1) Existing law, the Porter-Cologne Water Quality Control Act, requires the State Water Resources Control Board, in conjunction with the California regional water quality control boards, to implement a public information program on matters involving water quality and to maintain an information file on water quality research and other pertinent matters.

This bill would require the state board, with the assistance of the regional boards, to implement a public information program on water quality matters and to place and maintain on its Internet Web site a public information file on water quality monitoring, assessment, research, standards, regulation, enforcement, and other pertinent matters, as prescribed.

(2) The act requires the state board and the regional boards to carry out various monitoring functions. The act requires the state board, to the extent that funds are available, to prepare and complete, on or before January 1, 2000, an inventory of existing water quality monitoring activities within state coastal watersheds, bays, estuaries, and coastal waters. The federal Clean Water Act prohibits the Environmental Protection Agency from approving certain grants for state pollution control programs in the absence of a determination that the state has provided or is carrying out an appropriate monitoring and reporting program, as specified.

This bill would repeal the provision relating to the preparation of an inventory and would require the California Environmental Protection Agency and the Resources Agency, on or before December 1, 2007, to enter into a memorandum of understanding for the purposes of establishing the California Water Quality
Monitoring Council, which the state board would be required to administer. The bill would require the monitoring council to review existing water quality monitoring, assessment, and reporting efforts and to recommend specific actions and funding needs necessary to coordinate and enhance those efforts. The bill would require the memorandum of understanding to describe the means by which the monitoring council shall formulate recommendations to (a) reduce redundancies, inefficiencies, and inadequacies in existing water quality monitoring and data management programs and (b) ensure that water quality improvement projects financed by the state provide specific information necessary to track project effectiveness with regard to achieving clean water and healthy ecosystems. The bill would require the monitoring council to undertake various actions relating to water quality data collection. The bill would require the Secretary of the California Environmental Protection Agency, commencing December 1, 2008, to conduct a triennial audit of the effectiveness of a comprehensive monitoring program strategy, which the state board would be required to develop in accordance with the Clean Water Act.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:
(a) The Legislative Analyst's Office has concluded that ambient water quality monitoring is the foundation for much of the work of the State Water Resources Control Board, including basin planning, standards setting, and permitting.
(b) The Government Accounting Office has determined that the United States Environmental Protection Agency (EPA) and the states need comprehensive water quality monitoring and assessment information on environmental changes and conditions over time and that, in the absence of this information, it is difficult for the EPA and the states to establish priorities, evaluate the success of programs and activities, and report on accomplishments.
(c) The National Research Council has similarly recommended the development of a uniform, consistent approach to ambient water quality monitoring and data collection, increased resources for water monitoring, and improved coordination of monitoring.
(d) According to California's 2002 biennial monitoring report to the EPA, the state can only report on the health of 22 percent of its coastal shoreline, 34 percent of its lakes and reservoirs, and 15 percent of its rivers and streams due to a lack of monitoring data. There is no single place where the public can go to get a specific look at the health of water bodies in its own backyard, or even to get an overall picture of the health of the state's waters.
(e) State water board funding for ambient surface water monitoring has fluctuated significantly over the years, and is inadequate to ensure the assessment of all waters. The monitoring efforts that are underway could be enhanced significantly with increased coordination of the many separate monitoring activities that are going on at the local, state, and federal levels. Historically, the use of different protocols and data management systems have
typically precluded the full and effective use of available water quality monitoring data.

(f) The development of new programs to control agricultural and timber pollution, and the implementation of hundreds of new projects financed by bond funds to improve water quality, may produce water quality improvements that should be documented. The State of California cannot afford to waste the opportunities provided by these and other water quality improvement programs.

(g) Numerous water monitoring efforts are conducted by local, state, and federal agencies, regulated entities, and citizen monitoring groups. Many of these efforts are uncoordinated, and as a result funds and information are not being used as effectively as they could be. In addition, redundant monitoring activities can occur because of a lack of basic information relative to the scope of monitoring activities throughout the state. For example, there are 100 water quality monitoring efforts underway in the central valley alone, and coordination is minimal.

(h) Better coordination of ongoing monitoring efforts, and more targeted identification of specific monitoring needs, would place California in a better position to obtain additional needed monitoring funding, particularly federal funding. Additional support can be found through the savings provided by increased coordination and integration of existing monitoring efforts.

(i) Californians should be able to readily access basic information that already exists about the state's waters and how those waters are protected and restored. By their recent approval of a constitutional amendment (Proposition 59), California voters have indicated their strong support for open and transparent government. The "government" of state waters should be carried out in a similarly open manner. At a minimum, all information that is currently available to agencies should be made readily available to the public via the Internet.

SEC. 2. Section 13167 of the Water Code is amended to read:

13167. (a) The state board shall implement, with the assistance of the regional boards, a public information program on matters involving water quality, and shall place and maintain on its Internet Web site, in a format accessible to the general public, an information file on water quality monitoring, assessment, research, standards, regulation, enforcement, and other pertinent matters.

(b) The information file described in subdivision (a) shall include, but need not be limited to, copies of permits, waste discharge requirements, waivers, enforcement actions, and petitions for review of these actions pursuant to this division. The file shall include copies of water quality control plans and policies, including any relevant management agency agreements pursuant to this chapter and Chapter 4 (commencing with Section 13200), and monitoring data and assessment information, or shall identify Internet links to that information. The state board, in consultation with the regional boards, shall ensure that the information is available in single locations, rather than separately by region, and that the information is presented in a manner easily understandable by the general public.

SEC. 3. Section 13181 of the Water Code is repealed.
SEC. 4. Section 13181 is added to the Water Code, to read:

13181. (a) (1) On or before December 1, 2007, the California Environmental Protection Agency and the Resources Agency shall enter into a memorandum of understanding for the purposes of establishing the California Water Quality Monitoring Council, which shall be administered by the state board.

(2) As used in this section, "monitoring council" means the California Water Quality Monitoring Council established pursuant to this section.

(3) The monitoring council may include representatives from state entities and nonstate entities. The representatives from nonstate entities may include, but need not be limited to, representatives from federal and local government, institutions of higher education, the regulated community, citizen monitoring groups, and other interested parties.

(4) The monitoring council shall review existing water quality monitoring, assessment, and reporting efforts, and shall recommend specific actions and funding needs necessary to coordinate and enhance those efforts.

(5) (A) The recommendations shall be prepared for the ultimate development of a cost-effective, coordinated, integrated, and comprehensive statewide network for collecting and disseminating water quality information and ongoing assessments of the health of the state's waters and the effectiveness of programs to protect and improve the quality of those waters.

(B) For purposes of developing recommendations pursuant to this section, the monitoring council shall initially focus on the water quality monitoring efforts of state agencies, including, but not limited to, the state board, the regional boards, the department, the Department of Fish and Game, the California Coastal Commission, the State Lands Commission, the Department of Parks and Recreation, the Department of Forestry and Fire Protection, the Department of Pesticide Regulation, and the State Department of Health Services.

(C) In developing the recommendations, the monitoring council shall seek to build upon existing programs rather than create new programs.

(6) Among other things, the memorandum of understanding shall describe the means by which the monitoring council shall formulate recommendations to accomplish both of the following:

(A) Reduce redundancies, inefficiencies, and inadequacies in existing water quality monitoring and data management programs in order to improve the effective delivery of sound, comprehensive water quality information to the public and decisionmakers.

(B) Ensure that water quality improvement projects financed by the state provide specific information necessary to track project effectiveness with regard to achieving clean water and healthy ecosystems.

(b) The monitoring council shall report, on or before December 1, 2008, to the California Environmental Protection Agency and the Resources Agency with regard to its recommendations for maximizing the efficiency and effectiveness of existing water quality data collection and dissemination, and for ensuring that collected data are maintained and available for use by decisionmakers and the public. The monitoring council shall consult with the United States Environmental Protection Agency in preparing these recommendations. The monitoring council's recommendations, and any responses submitted by the California Environmental
Protection Agency or the Resources Agency to those recommendations, shall be made available to decisionmakers and the public by means of the Internet.

(c) The monitoring council shall undertake and complete, on or before April 1, 2008, a survey of its members to develop an inventory of their existing water quality monitoring and data collection efforts statewide and shall make that information available to the public.

(d) All state agencies, including institutions of higher education to the extent permitted by law, that collect water quality data or information shall cooperate with the California Environmental Protection Agency and the Resources Agency in achieving the goals of the monitoring council as described in this section.

(e) In accordance with the requirements of the Clean Water Act (33 U.S.C. Sec. 1251 et seq.) and implementing guidance, the state board shall develop, in coordination with the monitoring council, all of the following:

(1) A comprehensive monitoring program strategy that utilizes and expands upon the state's existing statewide, regional, and other monitoring capabilities and describes how the state will develop an integrated monitoring program that will serve all of the state's water quality monitoring needs and address all of the state's waters over time. The strategy shall include a timeline not to exceed 10 years to complete implementation. The strategy shall be comprehensive in scope and identify specific technical, integration, and resource needs, and shall recommend solutions for those needs so that the strategy may be implemented within the 10-year timeframe.

(2) Agreement, including agreement on a schedule, with regard to the comprehensive monitoring of statewide water quality protection indicators that provide a basic minimum understanding of the health of the state's waters. Indicators already developed pursuant to environmental protection indicators for statewide initiatives shall be given high priority as core indicators for purposes of the network described in subdivision (a).

(3) Quality management plans and quality assurance plans that ensure the validity and utility of the data collected.

(4) Methodology for compiling, analyzing, and integrating readily available information, to the maximum extent feasible, including, but not limited to, data acquired from discharge reports, volunteer monitoring groups, local, state, and federal agencies, and recipients of state-funded or federally funded water quality improvement or restoration projects.

(5) An accessible and user-friendly electronic data system with timely data entry and ready public access via the Internet. To the maximum extent possible, the geographic location of the areas monitored shall be included in the data system.

(6) Production of timely and complete water quality reports and lists that are required under Sections 303(d), 305(b), 314, and 319 of the Clean Water Act and Section 406 of the Beaches Environmental Assessment and Coastal Health Act of 2000, that include all available information from discharge reports, volunteer monitoring groups, and local, state, and federal agencies.

(7) An update of the state board's surface water ambient monitoring program needs assessment in light of the benefits of increased coordination and integration of information from other agencies and information sources. This update shall include identification of current and future resource needs required
to fully implement the coordinated, comprehensive monitoring network, including, but not limited to, funding, staff, training, laboratory and other resources, and projected improvements in the network.

(f) The state board shall identify the full costs of implementation of the comprehensive monitoring program strategy developed pursuant to subdivision (e), and shall identify proposed sources of funding for the implementation of the strategy, including federal funds that may be expended for this purpose. Fees collected pursuant to paragraph (1) of subdivision (d) of Section 13260 may be used as a funding source for implementation of the strategy to the extent that the funding is consistent with subparagraph (B) of paragraph (1) of subdivision (d) of Section 13260.

(g) Data, summary information, and reports prepared pursuant to this section shall be made available to appropriate public agencies and the public by means of the Internet.

(h) (1) Commencing December 1, 2008, the Secretary of the California Environmental Protection Agency shall conduct a triennial audit of the effectiveness of the monitoring program strategy developed pursuant to subdivision (e). The audit shall include, but need not be limited to, an assessment of the following matters:

(A) The extent to which the strategy has been implemented.

(B) The effectiveness of the monitoring and assessment program and the monitoring council with regard to both of the following:

(i) Tracking improvements in water quality.

(ii) Evaluating the overall effectiveness of programs administered by the state board or a regional board and of state and federally funded water quality improvement projects.

(2) The Secretary of the California Environmental Protection Agency shall consult with the Secretary of the Resources Agency in preparing the audit, consistent with the memorandum of understanding entered into pursuant to subdivision (a).

(i) The state board shall prioritize the use of federal funding that may be applied to monitoring, including, but not limited to, funding under Section 106 of the Federal Water Pollution Control Act, for the purpose of implementing this section.

(j) The state board shall not use more than 5 percent of the funds made available to implement this section for the administrative costs of any contracts entered into for the purpose of implementing this section.

SB 1379 (Perata and Ortiz)
BILL TEXT

CHAPTER 599
FILED WITH SECRETARY OF STATE SEPTEMBER 29, 2006
APPROVED BY GOVERNOR SEPTEMBER 29, 2006
PASSED THE SENATE AUGUST 31, 2006
PASSED THE ASSEMBLY AUGUST 29, 2006
AMENDED IN ASSEMBLY AUGUST 24, 2006

INTRODUCED BY Senators Perata and Ortiz
(Coauthor: Assembly Member Laird)

FEBRUARY 21, 2006

An act to add Chapter 8 (commencing with Section 105440) to Part 5 of Division 103 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 1379, Perata  Biomonitoring.
Existing law establishes various programs for the protection of the public from exposure to toxins, including, but not limited to, the Childhood Lead Poisoning Prevention Act, administered by the State Department of Health Services, which imposes a fee upon manufacturers or persons who are responsible for lead contamination and applies the proceeds of the fee to reduction or elimination of the harm caused by the lead contamination.

This bill would require the department in collaboration with the California Environmental Protection Agency to establish the California Environmental Contaminant Biomonitoring Program to monitor the presence and concentration of designated chemicals, as defined, in Californians.

This bill would require the department and the agency to establish a Scientific Guidance Panel to assist the department and the agency. The bill would require the department to provide public access to information, and to report to the Legislature and the public.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:
(a) An estimated 100,000 chemicals are registered for use today in the United States. Another 2,000 chemicals are added each year. Some toxicological screening data exists for only 7 to 10 percent of these chemicals. More than 90 percent of these chemicals have never been tested for their effects on human
Large numbers of these chemicals are found in cosmetics, personal care products, pesticides, food dyes, cleaning products, fuels, and plastics. Because of their ubiquity in modern life, Californians are commonly exposed to multiple chemicals every day. Many of these chemicals persist in the environment, and accumulate and remain in body fat, and have been shown to be toxic.

(b) Biomonitoring studies have scientifically demonstrated that human exposure to a multitude of chemicals is widespread. The federal Centers for Disease Control and Prevention has documented the presence of 148 environmental chemicals in the blood and urine of Americans of all ages and races.

(c) Biomonitoring studies will provide data that will help California scientists, researchers, public health personnel, and community members explore linkages between chemical exposures and health.

(d) Biomonitoring data supports public health by establishing trends in chemical exposures, validating modeling and survey methods, supporting epidemiological studies, identifying highly exposed communities, addressing the data gaps between chemical exposures and specific health outcomes, informing health responses to unanticipated emergency exposures, assessing the effectiveness of current regulations, and helping to set priorities for reform.

(e) In September 2001, the Legislature passed Senate Bill 702 (Chapter 538, Statutes of 2001), making California the first state in the nation to begin planning a statewide environmental health tracking network for chronic diseases and environmental hazards and exposures. To help implement the program, the Senate Bill 702 Expert Working Group has recommended the establishment of a statewide biomonitoring program.

(f) In September 2003, the Legislature passed Assembly Bill 1360 (Chapter 664, Statutes of 2003), that requires the development and use in California of a comprehensive system of environmental measurements known as environmental indicators. The basis for the bill was the April 2002 report, "Environmental Protection Indicators for California," by the California Environmental Protection Agency and the Resources Agency. This report identifies biomonitoring as part of an overall system of environmental indicators that California should develop to guide policy and budgetary decisions.

(g) The Legislature, therefore, finds and declares that the establishment of a statewide biomonitoring program will assist in the evaluation of the presence of toxic chemicals in a representative sample of Californians, establish trends in the levels of these chemicals in Californians' bodies over time, and assess effectiveness of public health efforts and regulatory programs to decrease exposures of Californians to specific chemical contaminants. A statewide and community-based biomonitoring program will expand biomedical, epidemiological, and behavioral public health research. California, an established leader in health promotion, health policy, and health care delivery and response, should encourage and fund this research, which will contribute to the health and well-being of millions of people.
CHAPTER 8. California Environmental Contaminant Biomonitoring Program

Article 1. General

105440. (a) This chapter shall be known, and may be cited, as the California Environmental Contaminant Biomonitoring Program.

(b) For the purposes of this chapter, the following terms have the following meanings:

(1) "Agency" means the California Environmental Protection Agency.

(2) "Biomonitoring" means the process by which chemicals and their metabolites are identified and measured within different biological specimens.

(3) "Biological specimen" means a sample taken from a biophysical substance, that is reasonably available within a human body, for use as a medium to measure the presence and concentration of toxic chemicals.

(4) "Community" means geographically or nongeographically based populations that may participate in the community-based biomonitoring program. A "nongeographical community" includes, but is not limited to, populations that may share a common chemical exposure through similar occupations, populations experiencing a common health outcome that may be linked to chemical exposures, or populations that may experience similar chemical exposures because of comparable consumption, lifestyle, product use, or subpopulations that share ethnicity, age, or gender.

(5) "Department" means the State Department of Health Services.

(6) "Designated chemicals" means those chemicals that are known to, or strongly suspected of, adversely impacting human health or development, based upon scientific, peer-reviewed animal, human, or in vitro studies, and consist of only those substances including chemical families or metabolites that are included in the federal Centers for Disease Control and Prevention studies that are known collectively as the National Reports on Human Exposure to Environmental Chemicals program and any substances as specified pursuant to subdivision (c) of Section 105449.

(7) "Director" means the Director of Health Services.

(8) "DTSC" means the Department of Toxic Substances Control within the agency.

(9) "Office" means the Office of Environmental Health Hazard Assessment within the agency.

(10) "Panel" means the Scientific Guidance Panel established pursuant to Article 2 (commencing with Section 105448).

(11) "Program" or "biomonitoring program" means the California Environmental Contaminant Biomonitoring Program, which shall be established and operated by the department, in collaboration with the agency, the office, and DTSC.

(12) "Secretary" means the Secretary of the California Environmental Protection Agency.

105441. The department, in collaboration with the agency, shall establish the California Environmental Contaminant Biomonitoring Program. The department is the lead entity for the program unless otherwise specified in this chapter. The program shall utilize biological specimens, as appropriate, to identify designated chemicals that are present in the bodies of Californians.
Biomonitoring shall utilize scientifically based statewide surveys. Additional community-based surveys shall be contingent on funding and shall be statistically valid and scientifically based. Biomonitoring shall take place on a strictly voluntary and confidential basis. Results reported pursuant to this chapter shall not disclose individual confidential information of participants. Appropriate biological specimens shall be used to monitor and assess the presence and concentration of designated chemicals. Biological specimens shall be analyzed by laboratories operated by the department, DTSC, or their contractors.

105443. (a) All participants shall be evaluated for the presence of designated chemicals as a component of the biomonitoring process. Participants shall be provided with information and fact sheets about the program’s activities and its findings. Individual participants may request and shall receive their complete results. Any results provided to participants shall be subject to the Institutional Review Board protocols and guidelines. When either physiological or chemical data obtained from a participant indicate a significant known health risk, program staff experienced in communicating biomonitoring results shall consult with the individual and recommend followup steps, as appropriate. Program administrators shall receive training in administering the program in an ethical, culturally sensitive, participatory, and community-based manner.

(b) Individuals selected to participate in the biomonitoring program shall reflect the age, economic, racial, and ethnic composition of the state. Other selection criteria may be applied, as appropriate, for studies of specific populations.

(c) Informational materials and outreach activities directed to program participants and communities shall, to the extent possible, be culturally appropriate and translated as needed. Educational materials shall be adapted to the biological specimens being used.

105444. (a) The program shall develop guidelines and model protocols that address the science and practice of biomonitoring to implement this chapter, including, but not limited to, study design, subject recruitment, and data collection and management, and that accomplish all of the following:

(1) Ensure confidentiality and informed consent.
(2) Communicate findings to participants, communities, and the general public.
(3) Emphasize all aspects of the program in a culturally sensitive manner.
(4) Serve as a guide for other biomonitoring programs supported by state funds.

(b) The program shall incorporate, as appropriate, the methods utilized by the federal Centers for Disease Control and Prevention for the studies known collectively as the National Report on Human Exposure to Environmental Chemicals.

(c) The program shall be implemented in collaboration with the California Environmental Health Tracking Program and the environmental indicators system maintained by the office pursuant to Section 71081 of the Public Resources Code.

(d) The department, office, and DTSC shall collaborate on the development of fact sheets and other informational and outreach materials for the biomonitoring program.

(e) The department, in collaboration with the office and DTSC, shall conduct statistical and epidemiological analyses of the biomonitoring results.
(f) Personal information as defined in Section 1798.3 of the Civil Code, shall not be shared without the written and informed consent of the individual to whom it pertains.

(g) No governmental agency or private person or entity shall discriminate against a person or community based upon the biomonitoring results.

Article 2. The Scientific Guidance Panel

105448. (a) In implementing the program, the department and the agency shall establish a Scientific Guidance Panel. The panel shall be composed of nine members, whose expertise shall encompass the disciplines of public health, epidemiology, biostatistics, environmental medicine, risk analysis, exposure assessment, developmental biology, laboratory sciences, bioethics, maternal and child health with a specialty in breastfeeding, and toxicology.

(b) The Governor shall appoint five members to the panel, the Senate Committee on Rules shall appoint two members, and the Speaker of the Assembly shall appoint two members. The appointments shall be made after soliciting recommendations of the Office of the President of the University of California.

(c) All members shall be appointed to the panel by September 1, 2007. Members shall be appointed for three-year terms, except that, with respect to the initial appointees each appointing power shall appoint one member for a one-year term and one member for a two-year term. Members may be reappointed for additional terms without limitation.

(d) The panel shall meet as often as it deems necessary, with consideration of available resources, but at a minimum, three times per year. The office shall be responsible for staffing and administration of the panel.

(e) The panel meetings shall be open to the public and be subject to the Bagley-Keene Open Meetings Act (Article 9 (commencing with Section 11120) of Part 1 of Division 3 of Title 2 of the Government Code).

(f) Members of the panel shall be reimbursed for travel and other necessary expenses incurred in the performance of their duties under this chapter, but shall not receive a salary or compensation.

105449. (a) The panel shall provide scientific peer review and make recommendations regarding the design and implementation of the program, including specific recommendations for chemicals that are priorities for biomonitoring in California, as specified in subdivisions (b) and (c), with the program retaining final decisionmaking authority.

(b) The panel shall recommend priority chemicals for inclusion in the program using the following criteria:

(1) The degree of potential exposure to the public or specific subgroups, including, but not limited to, occupational.

(2) The likelihood of a chemical being a carcinogen or toxicant based on peer-reviewed health data, the chemical structure, or the toxicology of chemically related compounds.

(3) The limits of laboratory detection for the chemical, including the ability to detect the chemical at low enough levels that could be expected in the general population.
(4) Other criteria that the panel may agree to.
(c) The panel may recommend additional designated chemicals not included in the CDC report, for inclusion in the program using the following criteria:
   (1) Exposure or potential exposure to the public or specific subgroups.
   (2) The known or suspected health effects resulting from some level of exposure based on peer-reviewed scientific studies.
   (3) The need to assess the efficacy of public health actions to reduce exposure to a chemical.
   (4) The availability of a biomonitoring analytical method with adequate accuracy, precision, sensitivity, specificity, and speed.
   (5) The availability of adequate biospecimen samples.
   (6) The incremental analytical cost to perform the biomonitoring analysis for the chemical.

105451. (a) As appropriate, the program shall utilize the principles of the agency’s Environmental Justice Strategy and Environmental Justice Action Plan developed pursuant to Sections 71110 to 71113, inclusive, of the Public Resources Code, so that the activities of the panel and the implementation of the program provide opportunities for public participation and community capacity building with meaningful stakeholder input. This strategy and plan shall accord the highest respect and value to every individual and community by developing and conducting public health and environmental protection programs, policies, and activities in a manner that promotes equity and affords fair treatment, accessibility, and protection for all Californians, regardless of race, age, culture, income, or geographic location.

(b) (1) To carry out this section, the program shall develop a strategy and plan that are to be followed in the implementation of the program. This strategy and plan shall be used to establish the framework for integrating public participation in this program. The department may utilize models used by boards, departments, and offices at the agency for community outreach pursuant to this section.

(2) Public participation shall include, but need not be limited to, conducting stakeholder meetings and workshops to solicit relevant information, data, suggestions, and feedback for the development and implementation of the program.


105453. Implementation of this chapter shall be contingent on a specific appropriation being provided for this purpose in the annual Budget Act or other measure.

Article 4. Reporting

105459. (a) By January 1, 2010, and every two years thereafter, the department, in collaboration with the agency, the office, and DTSC, shall submit a report to the Legislature containing the findings of the program, and shall include in the report additional activities and recommendations for improving the
program based upon activities and findings to date. Copies of the report shall be made available via appropriate media to the public within 30 calendar days following its submission to the Legislature.

(b) The department shall provide the public access to information which they are required to release pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

(c) The department and the office shall disseminate biomonitoring findings to the general public via appropriate media, including governmental and other Web sites in a manner that is understandable to the average person.

(d) Any health and environmental exposure data made available to the general public shall be provided in a summary format to protect the confidentiality of program participants. The data shall be made available, after appropriate quality assurance and quality control, by July 1, 2010, and at least every two years thereafter.
Governor’s signing message

SB 1070 (Kehoe) Water quality information

To the Members of the California State Senate:

Improving water quality in California has been a cornerstone of my Environmental Action Plan. Consistent with this commitment, this year’s budget included an additional $8.5 million to enhance water quality monitoring. Senate Bill 1070 will help advance this goal by requiring the development of a comprehensive water monitoring program across state agencies. As we develop this Interagency Memorandum of Understanding and move towards implementation, we must be cognizant of developing a sound program in a cost effective and consistent manner. We should be working within the parameters of these enhanced financial resources and not increase fees on Californians.

Sincerely,

Arnold Schwarzenegger
Section IV: Summary of Vetoed Legislation
AB 966 (Saldana)  Water quality: California-Baja California border region.  
Vetoed
Authorizes various state and local water agencies to collaborate on the design, construction and permitting of international wastewater treatment facilities near the California-Baja California border.

**AB 1062 (Saldana) Medical experimentation: biomonitoring research informed consent.**
Vetoed

Expands disclosures to, and rights of, subjects of biomonitoring experimentation.

**AB 1991 (Saldana) Vehicles: environmental license plates: disabled persons.**
Vetoed

Allows special license plates for disabled persons to be issued as environmental license plates (ELPs). Specifically, this bill allows the Department of Motor Vehicles (DMV) to issue, renew, and transfer special license plates authorized for disabled persons as ELPs. The bill excludes from this provision license plates authorized for disabled veterans. Requires such license plates to contain the International Symbol of Access. Requires DMV to deposit the additional fees associated with ELPs, collected from persons applying for these plates, into the ELP Fund.

**AB 2132 Levine Public employee health benefits: retirees.**
Vetoed

Prevents a retiree of the California Public Employees' Retirement System (CalPERS) from receiving a reduction in health benefits due to reinstating to active employment. Specifically, this bill: 1) Allows a CalPERS retiree who reinstates from retirement and subsequently retires a second time, to enroll as an annuitant of the first employer from whom they retired, as specified. 2) Specifies that in order to qualify for this benefit, retirement from the most recent employer must occur within 120 days of separation from employment and the retiree must have at least five years of credited service with the employer from which he or she first retired.

**AB 2404 (Klehs) State government: reports: declarations.**
Vetoed

Requires every written state agency report to the Legislature, and specified reports submitted to the State Controller by local governments, to include a signed statement by the head of the agency that the contents of the report are true, accurate, and complete, to the best of his or her knowledge.
AB 249 (Ruskin)  Emergencies: State Computer Emergency Data Exchange Program
Vetoed

Requires the Governor’s Office of Emergency Services to establish the State Computer Emergency Data Exchange Program.

AB 2490 (Ruskin)  California Toxic Release Inventory Program.
Vetoed

Establishes a California Toxic Release Inventory Program if there are reductions to the federal Environmental Protection Agency’s Toxic Release Inventory.

AB 2825 (Ruskin)  Schoolsites: hazardous emissions and substances: environmental impact.
Vetoed

Requires a school district, in preparing the environmental impact report (EIR) on a proposed schoolsite, to identify any proposed facilities that emit hazardous air emissions or handle specified hazardous substances within a one-fourth mile of the proposed site.

AB 2927 (Leno) Public records
Vetoed

Requires any state agency that publishes an Internet Web site to include on the homepage of that site specified information that is not exempt from disclosure under the California Public Records Act (CPRA) about how to contact the agency, how to request records under the act, and a form for submitting online requests for records. In addition, authorize any person to bring an action to enforce the duty of a state agency to post this information and would provide for penalties including monetary awards to be paid by the agency, with specified provisions to become operative on January 1, 2008.

SB 403 (Machado)  Chemical Tanker Task Force.
Vetoed

This bill requires the administrator of Office of Oil Spill Prevention and Response to convene a Chemical Tanker Task Force, on or before March 1, 2007, which is charged with gathering information and making recommendations relating to the safety of chemical tankers carrying hazardous chemicals in state waters.

SB 849 (Escutia)  Environmental health data tracking
Vetoed

This bill requires the Department of Health Services and the California Environmental Protection Agency to establish the Interagency Office of Environmental Health Tracking.
SB 960 (Simitian) Hazardous waste: research database.  
Vetoed

This bill requires the Department of Toxic Substances Control to post on its Internet Web site links to information regarding substitutes to materials posing hazards to public health and the environment.

SB 1286 (Ducheny ) Binational air pollution.  
Vetoed

Establishes a binational council to address air quality issues for the air basin encompassing the Cities of Calexico, California and Mexicali, Baja California, contingent on the execution of a memorandum of understanding (MOU) between any California state agency, the County of Imperial, the State of Baja California and the City of Mexicali.

SB 1339 Romero Emergency medical services.  
Vetoed

This bill requires the Emergency Medical Services Authority to create a working group to design a study to assess the adequacy of the state’s emergency and trauma care system.  This bill is contingent upon Emergency Medical Services Authority receiving private funds.

SB 1640 (Kuehl) Water quality  
Vetoed

This bill amends disclosure requirements for certain information as to water use and planning.
Governor’s Veto Messages
AB 2404 (Klehs) State government reports: declarations

I am returning Assembly Bill 2404 without my signature.

Although I agree that the Legislature should base their decisions on sound information that is true, accurate and complete, I believe that this bill is the wrong approach. By requiring that only mandatory reports submitted to the Legislature and State Controller contain signed statements attesting to their accuracy, this bill would create an inconsistent system in which some of the information considered in the legislative process is subject to declarations of truth, while the majority of the written material used in the legislative process is accepted as truth without such verification. The Legislature already has the authority to question the accuracy of a report by requiring those responsible for submitting the report to attest to the accuracy of the report under oath. Given this legislative oversight and the fact that state law already makes it a misdemeanor for a state or local official to submit a written report containing false information to the State Controller, this measure is unnecessary.

Sincerely,

Arnold Schwarzenegger
AB 2927 (Leno) Public Records

I am returning Assembly Bill 2927 without my signature.

An open and accessible government is critical to instill confidence in the governed. Indeed the people recently voted overwhelmingly to amend California’s Constitution to make access to public records a fundamental right. That is why I issued Executive Order @-03-06 which directs all state departments to post PRA request guidelines in a conspicuous public place at all office locations and to identify and designate staff to handle the requests and ensure appropriate training in PRA compliance for designated staff members. As a result of the order, all executive branch agencies have reviewed their public records procedures. They have been revamped to improve performance and compliance and extensive training has been provided to state agency staff. These efforts address the problem this bill is attempting to fix. In addition the provision allowing the Attorney General to review denials of public records requests is unduly burdensome. The Attorney General is the attorney for most State agencies and advises agencies on responding to such requests and thus this bill creates an inherent conflict of interest. I will continue to require the highest standards of compliance with the Public Records Act throughout the executive branch.

Sincerely,

Arnold Schwarzenegger
Section IV: 2006 Legislation:  
Failed, Died, or Withdrawn

The following bills were tracked by DPR during the 2005 legislative session as having potential to impact California's pesticide regulatory program. The following bills did not pass out of the Legislature. The bills either failed passage out of committee, died due to failure to meet legislative deadline requirements, or were withdrawn by the bill's author.
**AB 2098 (Montanez) Pesticides**
Status: Placed on Senate Appropriations Suspense file

This bill would prohibit the Department of Pesticide Regulation (DPR) and any other state agency from relying on, considering, or accepting certain studies, as defined, involving exposure of human subjects to pesticides.

**AB 1059 (Matthews) Motor Vehicle Fuel Account**
Status: Placed on Senate Appropriations Suspense file

AB 1059 would distribute the funds transferred from the Motor Vehicle Fuel Account to the Department of Food and Agriculture by the following: $12 million to the Department of Pesticide Regulation to reimburse counties for the previous years pesticide use enforcement expenses. 1% of the $12 million will be used by DPR for administrative costs. 1% to CDFA for state and county liaison and administration. 5% to CDFA for administration and overhead charges 7% to CDFA to be distributed to counties to offset expenses associated with ensuring uniform state agriculture policy or programs. 9% to CDFA for urgent detection or eradication of agriculture plant or animal pests or diseases, upon approval by the Department of Finance. Funds remaining may be carried over to next year or at the discretion of the secretary used for research on detection, eradication, or quarantine compliance or for project to enhance the economic sustainability of California agriculture. Remaining funds shall be distributed to the counties for agriculture programs determined by the secretary or by request and approval of the California Agriculture Commissioners and Sealers Association. Only those counties in good standing with the California Agriculture Commissioners and Sealers Association, counties with a licensed agriculture commissioner or recruiting a commissioner, counties that provide county funds for the commissioner, and counties submit annual expenditure reports are eligible for these remaining funds.

**AB 2247 (La Suer) Structural Pest Control: San Diego County**
Status: Read second time. To Senate third reading.

The bill would impose certain time frames only on San Diego CAC structural pest control enforcement actions. It requires that the NOPA be sent within 60 days of the initial notice of violation. It requires that the action proposed in the NOPA be taken within 90 days of the initial notice of violation if a hearing is not requested. If a hearing is held, it requires that the proposed action be taken within 90 days of the hearing or the time for filing an appeal has expired. If the NOPA is not sent within the 60 days, then no enforcement action can be taken. If deadlines to take an action proposed in the NOPA are not met, then the citation must be dismissed and the person may not be charged again with the same violation.
**AB 2553 (Arambula) Air Quality: loans**

Status: Read second time, amended, and re-referred to Senate Appropriations

The bill authorizes the Business, Transportation and Housing (BTH) Agency to designate air-quality zones within the districts. Districts within the zones may receive state loans. To receive a loan, the districts must make an application with the following information:

1) Define the zone's region, within the district's boundaries,
2) Make findings about the level of airborne particulates and the district's unemployment rates.

For the South Coast Air Quality Management District, the zone may not be any area already defined as an enterprise zone or as a seaport. The BTH Agency, after consulting with the California Air Resources Board (CARB), may approve the application. The agency may revoke the designation at any time if the goals for emission reductions are not met. The agency's authority to designate zones expires on January 1, 2016.

**SB 646 (Kuehl) Water discharge requirements: waivers**

Status: Placed on Assembly inactive file on request of Assembly Member Bass.

The bill would require dischargers to submit a notice of intent to obtain coverage of a waiver and to provide their names and addresses and locations of their operations. The bill would require the monitoring information collected under the waiver to be submitted to the State Water Resources Control Board (SWRCB), and the appropriate regional water quality control board (regional board), and to the public as practicable, given funding available. The bill would require SWRCB or a regional board to include the payment of an annual fee that covers the cost of the waiver program as a condition of a waiver, and would make violations of discharge waiver conditions subject to the same enforcement provisions as violations of waste discharge requirements.

**SB 860 (Bowen) Credit card processing fees: state agents.**

Status: Set, first hearing. Hearing canceled at the request of author.

Prohibits the University of California (UC), the California State University (CSU) or the community colleges or any agent thereof from imposing any processing fee or charge for the use of a credit or debit card as payment for any state service or obligation.

**SB 1293 (Kuehl) State library: access to electronic and online materials.**

Status: Set, second hearing. Held in Assembly Appropriations committee and under submission.

This bill establishes the Access to Science and Government Efficiency Act of 2006, which requires the State Librarian (SL) to purchase access to electronic
journals and other online resources that will be available to the Resources Agency, the California Environmental Protection Agency, and the California Health and Human Services Agency

**SB 1795 (Machado) Groundwater storage: beneficial use.**
Status: In Assembly. Read first time. Held at Desk.

This bill states legislative intent to enact legislation identifying the placement of surface water into a groundwater basin to repel saline intrusion and recover groundwater levels to improve water quality as a beneficial use of water.