

# CUPA Legislative Update

## 8/8/2022

### [AB 732](#) (Quirk D) Hazardous waste: transportation and registration: mercury-added thermostats.

**Current Text:** Amended: 5/11/2022 [html](#) [pdf](#)

**Last Amended:** 5/11/2022

**Status:** 6/23/2022-From Consent Calendar. Ordered to third reading.

**Location:** 6/23/2022-S. THIRD READING

#### **Summary:**

Current law prohibits a person from carrying on or engaging in the transportation of hazardous waste unless the person holds a valid registration issued by the Department of Toxic Substances Control, and also prohibits a person from transferring custody of hazardous waste to a transporter who does not hold a valid registration issued by the department. Current law requires a person who transports hazardous waste in a vehicle to have a valid registration issued by the department in that person's possession while transporting the hazardous waste. Current law authorizes a person holding such a registration to obtain additional copies of the registration certification from the department upon the payment of a fee of \$2 for each copy requested. Current law provides that a person registered as a hazardous waste transporter is not subject to specified registration requirements. This bill would make technical amendments by deleting obsolete provisions related to registered hazardous waste transporters. The bill would also make nonsubstantive amendments to these provisions.

### [AB 1787](#) (Quirk D) Pesticide testing.

**Current Text:** Chaptered: 7/19/2022 [html](#) [pdf](#)

**Last Amended:** 2/24/2022

**Status:** 7/19/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 108, Statutes of 2022.

**Location:** 7/19/2022-A. CHAPTERED

#### **Summary:**

Current law, until January 1, 2023, requires an employer to contract with a medical supervisor registered with the Office of Environmental Health Hazard Assessment to satisfy the employer's responsibilities for medical supervision of employees who regularly handle pesticides, as provided. Until January 1, 2023, current law requires a laboratory that performs tests ordered by a medical supervisor to report specified information to the Department of Pesticide Regulation, including the test results, the purpose of the test, and the name, address, and telephone number of the medical supervisor who ordered the analysis. This bill would extend those requirements to January 1, 2027, and, additionally, would require the laboratory to report the unique identifier of the person tested, as defined, the National Provider Identifier (NPI) of the medical supervisor who ordered the analysis, and the accession number of the specimen.

### [AB 1793](#) (Quirk D) Hazardous waste: identification: acute aquatic toxicity criterion.

**Current Text:** Amended: 6/16/2022 [html](#) [pdf](#)

**Last Amended:** 6/16/2022

**Status:** 6/27/2022-In committee: Referred to suspense file.

**Location:** 6/27/2022-S. APPR. SUSPENSE FILE

#### **Summary:**

Current law requires the Department of Toxic Substances Control to develop and adopt by regulation criteria and guidelines for the identification of hazardous wastes and extremely hazardous wastes. Current law requires the department, by March 1, 2023, and every 3 years thereafter, to prepare, and post on its internet website, a report that includes an analysis of available data related to hazardous waste that includes specified components and require the department, by March 1, 2025, and every 3 years thereafter, to prepare a state hazardous waste management plan based on the report, to be presented to the Board of Environmental Safety for approval. This bill would require the department, subject to an appropriation by the Legislature in the Budget Act of 2022 that implements a proposal to review the department's hazardous waste criteria, and as part of the department's comprehensive evaluation of its criteria and guidelines for the identification of hazardous wastes and extremely hazardous wastes, to review its acute toxicity criterion, as provided.

### [AB 1817](#) (Ting D) Product safety: textile articles: perfluoroalkyl and polyfluoroalkyl substances (PFAS).

**Current Text:** Amended: 6/30/2022 [html](#) [pdf](#)

**Last Amended:** 6/30/2022

**Status:** 6/30/2022-Read second time and amended. Ordered to third reading.

**Location:** 6/30/2022-S. THIRD READING

#### **Summary:**

Existing law prohibits, beginning January 1, 2023, any person from distributing, selling, or offering for sale in the state any food

packaging that contains regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS, as defined, and requires a manufacturer to use the least toxic alternative when replacing regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS in food packaging to comply with this requirement. Existing law similarly prohibits, beginning July 1, 2023, a person from selling or distributing in commerce in this state any new, not previously owned, juvenile product, as defined, that contains regulated PFAS chemicals. This bill would prohibit, beginning January 1, 2025, any person from manufacturing, distributing, selling, or offering for sale in the state any new, not previously owned, textile articles that contain regulated PFAS, except as specified, and requires a manufacturer to use the least toxic alternative when removing regulated PFAS in textile articles to comply with these provisions. The bill would require a manufacturer of a textile article to provide persons that offer the product for sale or distribution in the state with a certificate of compliance stating that the textile article is in compliance with these provisions and does not contain any regulated PFAS.

**AB 2059 (Carrillo D) Hazardous materials business and area plans: consumer products: recordkeeping.**

**Current Text:** Amended: 6/13/2022 [html](#) [pdf](#)

**Last Amended:** 6/13/2022

**Status:** 8/2/2022-In committee: Referred to suspense file.

**Location:** 8/2/2022-S. APPR. SUSPENSE FILE

**Summary:**

Current law declares that, in order to protect the public health and safety and the environment, it is necessary to establish business and area plans relating to the handling and release or threatened release of hazardous materials. Current law requires a business to establish and implement a business plan, as defined, for emergency response to a release or threatened release of a hazardous material if the business meets specified conditions at any unified program facility, as defined. Current law exempts from that requirement certain hazardous materials, including a hazardous material that is contained solely in a consumer product, handled at, and found in, a retail establishment and intended for sale to, and for the use by, the public, except in specified circumstances. Existing law defines “consumer product” as a commodity that is used for personal, family, or household purposes, or that is present in the same form, concentration, and quantity as a product prepackaged for distribution to and for use by the general public. Current law delegates to the unified program agencies the responsibility and authority to implement and enforce these requirements. This bill would expand the scope of hazardous materials subject to regulation pursuant to the hazardous waste control laws by narrowing the definition of “consumer product” to require that the commodity be present in the same form, concentration, and quantity as a product prepackaged for distribution to a consumer for personal, family, or household purposes, instead of for use by the general public, and by otherwise narrowing the exemption for consumer products from regulation of hazardous materials, as provided.

**AB 2440 (Irwin D) Responsible Battery Recycling Act of 2022.**

**Current Text:** Amended: 6/8/2022 [html](#) [pdf](#)

**Last Amended:** 6/8/2022

**Status:** 8/2/2022-In committee: Referred to suspense file.

**Location:** 8/2/2022-S. APPR. SUSPENSE FILE

**Summary:**

Would make the Rechargeable Battery Recycling Act of 2006 and the Cell Phone Recycling Act of 2004 inoperative as of September 30, 2026, and would repeal those acts as of January 1, 2027.

**AB 2477 (Rodriguez D) Emergency alert and warning service providers: minimum operating standards.**

**Current Text:** Amended: 5/19/2022 [html](#) [pdf](#)

**Last Amended:** 5/19/2022

**Status:** 8/2/2022-In committee: Referred to suspense file.

**Location:** 8/2/2022-S. APPR. SUSPENSE FILE

**Summary:**

Current law, on or before July 1, 2022, requires the Office of Emergency Services (OES), in consultation with specified entities, to develop voluntary guidelines for alerting and warning the public of an emergency, and requires the OES to provide each city, county, and city and county with a copy of the guidelines. Current law also requires the OES, within 6 months of making the statewide guidelines available and at least annually thereafter and through its California Specialized Training Institute, to develop an alert and warning training, as specified. This bill, on or before July 1, 2024, would require the OES, by regulation, to adopt minimum operating standards for private sector companies that provide alert and warning services to local entities.

**AB 2481 (Smith R) Household hazardous waste: facilities: transportation and acceptance.**

**Current Text:** Amended: 6/28/2022 [html](#) [pdf](#)

**Last Amended:** 6/28/2022

**Status:** 6/29/2022-Read second time. Ordered to third reading.

**Location:** 6/29/2022-S. THIRD READING

**Summary:**

Would revise and recast various requirements and conditions related to the transportation of hazardous waste and the operation of household hazardous waste collection facilities. The bill, among other things, would, to the extent consistent with federal law, allow the transporting of waste to a household hazardous waste collection facility from another household hazardous waste collection facility, as specified, with a shipping paper instead of a manifest. The bill would allow household hazardous waste to be transported in

a leased vehicle. The bill also would allow, under certain circumstances, household hazardous waste to be transported to a household hazardous waste collection facility by a person who did not generate the waste. The bill would allow a household hazardous waste collection facility authorized to accept hazardous waste from a very small quantity generator to take several actions, including, but not limited to, accepting hazardous waste from a VSQG in the same area and at the same time as residential household hazardous waste and allowing the facility to accept more than 100 kilograms of hazardous waste from a VSQG at a single time as long as it accepts no more 1,200 kilograms from that VSQG in a calendar year. The bill would authorize a household hazardous waste collection facility to allow people to exit their vehicles in waste acceptance areas only under specified conditions.

**[AB 2899](#) (Ting D) California Hazardous Substances Act: misbranded and banned hazardous substances: hearing procedure.**

**Current Text:** Vetoed: 7/19/2022 [html](#) [pdf](#)

**Last Amended:** 4/20/2022

**Status:** 8/1/2022-Consideration of Governor's veto pending.

**Location:** 7/19/2022-A. VETOED

**Summary:**

Under current law, when a misbranded hazardous substance or a banned hazardous substance is detained or quarantined, as provided, the State Department of Public Health is required to commence proceedings against the article in the superior court of the county or city and county in which the article is detained or quarantined, as provided. Current law requires the clerk of the court to fix a time and place for the hearing, and cause notices to be prepared notifying all persons who may claim an interest in the article of the time and place of the hearing. Current law requires a copy of the petition and notice to be posted for 14 days in at least 3 public places in the city or city and county where the court is held, and in a conspicuous place where the article is detained or quarantined. This bill would instead require a copy of the petition and notice to be posted, for 21 days, at the department's internet website, the internet website of the superior court in which the hearing will occur, at least 3 public places in the city or city and county where the court is held, and a conspicuous place where the article is detained or quarantined.