

Haz Mat/CUPA Legislative Report

OCTOBER 2023

- [AB 347](#)** (**[Ting D](#)**) **Household product safety: toxic substances: testing and enforcement.**
Current Text: Amended: 9/8/2023 [html](#) [pdf](#)
Introduced: 1/31/2023
Status: 9/14/2023-**Failed Deadline** pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/11/2023)(May be acted upon Jan 2024)
Summary: Current law requires a manufacturer of specified cookware that contains certain chemicals in the handle of the product or in any cookware surface that comes in contact with food, foodstuffs, or beverages to post on an internet website for the cookware a list of those chemicals, among other information. The bill would authorize the department to select and test samples after July 1, 2026, upon appropriation by the Legislature.
Position: Support (S3)
- [AB 407](#)** (**[Chen R](#)**) **Hazardous waste: used oil.**
Current Text: **Vetoed:** 10/9/2023 [html](#) [pdf](#)
Introduced: 2/2/2023
Status: 10/9/2023-Vetoed by the Governor
Summary: Current law authorizes the Department of Toxic Substances Control to regulate the disposal of hazardous waste, including used oil, and defines "used oil" for those purposes. Current law excludes from regulation used oil that has not been treated by the generator of the used oil, the generator claims the used oil is exempt from regulation by the department, and the used oil meets all of specified criteria, including that the used oil is not subject to regulation as either hazardous waste or used oil under federal law. This bill would change that criterion to instead require the used oil to either not be subject to regulation as either hazardous waste or used oil under federal law or that the used oil not be subject to regulation as a hazardous waste under federal law and meets certain testing criteria.
Position: None
- [AB 495](#)** (**[Hoover R](#)**) **Battery recycling: records retention.**
Current Text: Introduced: 2/7/2023 [html](#) [pdf](#)
Introduced: 2/7/2023
Status: **Failed** 3/16/2023-Referred to Com. on E.S. & T.M.
Summary: The Rechargeable Battery Recycling Act of 2006 requires each July 1, the Department of Toxic Substances Control to survey battery handling or battery recycling facilities, or both, and to post on its internet website the estimated amount, by weight, of each type of rechargeable battery returned for recycling in California during the previous calendar year. Current law makes the act inoperative on September 30, 2026, and repeals the act on January 1, 2027. This bill would require the department to continue to post that information on its internet website on and after October 1, 2026.
Position: Support S3
- [AB 777](#)** (**[Cervantes D](#)**) **Hazardous waste: Stringfellow Quarry Class I Hazardous Waste Disposal Site.**
Current Text: **Chaptered:** 9/8/2023 [html](#) [pdf](#)
Introduced: 2/13/2023
Status: 9/8/2023-Approved by the Governor. Chaptered by Secretary of State - Chapter 165, Statutes of 2023.
Summary: The Carpenter-Presley-Tanner Hazardous Substance Account Act establishes a program authorizing certain responses to releases of hazardous substances, including spills and hazardous waste disposal sites that pose a threat to the public health or the environment, and imposes liability for hazardous substance removal or remedial actions. The act requires any treatment, storage, transfer, or disposal facility built on the Stringfellow Quarry Class I Hazardous Waste Disposal Site to only be used to treat, store, transfer, or dispose of hazardous substances removed from that site. This bill would prohibit any sample or waste generated from a site other than the Stringfellow Quarry from being treated, stored, transferred to, or disposed of at the Stringfellow Quarry Class I Hazardous Waste Disposal Site. The bill would require the Department of Toxic Substances Control to provide notice, as specified, if any material or substance generated from a site other than the Stringfellow Quarry is treated, stored, transferred to, or disposed of at

the Stringfellow Class I Hazardous Waste Site. The bill would exempt any material or substance necessary to implement the ongoing cleanup of the site from the notice provision.

Position: Neutral

AB 861 (Santiago D) Hazardous waste: Exide Technologies facility.

Current Text: Amended: 5/18/2023 [html](#) [pdf](#)

Introduced: 2/14/2023

Status: 7/14/2023-**Failed** Deadline pursuant to Rule 61(a)(10). (Last location was E.Q. on 6/14/2023)(May be acted upon Jan 2024)

Summary: Would require the Board of Environmental Safety to contract with an entity that has expertise in remediating contaminated sites for the purpose of reviewing the Department of Toxic Substances Control's residential cleanup near the former Exide Technologies lead-acid battery recycling facility in the City of Vernon. The bill would require the contractor to use only existing data in its review, but, if necessary, the bill would authorize the contractor to take, review, and analyze limited samples. The bill would require the contractor to meet with members of the community to hear comments or concerns about the cleanup and provide its findings to the board, as specified. The bill would require the board to post the contractor's findings on the board's internet website.

Position: Neutral

AB 1115 (Papan D) Barry Keene Underground Storage Tank Cleanup Trust Fund Act of 1989: brownfields remediation and redevelopment.

Current Text: **Chaptered:** 10/9/2023 [html](#) [pdf](#)

Introduced: 2/15/2023

Status: 10/9/2023-Signed by the Governor

Summary: The Barry Keene Underground Storage Tank Cleanup Trust Fund Act of 1989 (act) requires an owner of an underground storage tank, as defined, for which a permit is required by law to pay storage fees for each gallon of petroleum placed in the tank. This bill would postpone the repeal of those provisions to January 1, 2036. By extending the operation of those portions of the act, the bill would impose a state-mandated local program by continuing the operation of certain crimes regarding the furnishing of information under penalty of perjury.

Position: Support S2

AB 1238 (Ward D) Hazardous waste: solar panels.

Current Text: Amended: 3/21/2023 [html](#) [pdf](#)

Introduced: 2/16/2023

Status: 6/7/2023-**Failed** Deadline pursuant to Rule 61(a)(10). (Last location was ED. on 8/25/2023)(May be acted upon Jan 2024)

Summary: Current law requires the Department of Toxic Substances Control to adopt regulations for the identification and management of hazardous wastes. Current law authorizes the department to adopt regulations designating end-of-life photovoltaic modules that are identified as hazardous waste as a universal waste and subject to regulations applicable to universal waste management. The bill would specify parameters for the standards, including, but not limited to, that they promote the safe collection, reuse, and recycling of photovoltaic modules.

Position: Support S3

AB 1716 (Committee on Environmental Safety and Toxic Materials) Hazardous wastes and materials: certified unified program agencies.

Current Text: **Chaptered:** 9/22/2023 [html](#) [pdf](#)

Introduced: 2/17/2023

Status: 9/22/2023-Approved by the Governor. Chaptered by Secretary of State - Chapter 207, Statutes of 2023.

Summary: Current law, as part of the hazardous waste control laws, requires any waste identified by the Department of Toxic Substances Control as hazardous or extremely hazardous to be managed in accordance with permits, orders, and regulations issued or adopted by the department. Current law authorizes the department to grant a variance from these requirements for certain wastes, including recyclable materials, as defined, under specified conditions. Current law provides that a recyclable material shall be excluded from classification by the department as a waste only if the recyclable material is held in a container or tank that is labeled, marked, and placarded in accordance with department requirements, the owner or operator of the business location where the recyclable material is located has a business plan, as specified, and the

recyclable material is stored and handled in accordance with all local ordinances and codes. This bill would revise the requirements for the exclusion of a recyclable material from classification by the department as a waste by requiring, among other things, that the material be held in a container, tank, containment building, or waste pile that is labeled, marked, and placarded in accordance with the department's hazardous waste labeling, marking, and placarding requirements applicable to generators, as provided.

Position: SPONSOR/S1

SB 38

(Laird D) Battery energy storage facilities: emergency response and emergency action plans.

Current Text: Chaptered: 10/7/2023 [html](#) [pdf](#)

Introduced: 12/5/2022

Status: 10/7/2023-Signed by the Governor

Summary: Current law requires the Public Utilities Commission to implement and enforce standards for the maintenance and operation of facilities for the generation and storage of electricity owned by an electrical corporation or located in the state to ensure their reliable operation. This bill would require each battery energy storage facility located in the state and subject to the requirement described above to have an emergency response and emergency action plan that covers the premises of the battery energy storage facility, as specified. The bill would require the owner or operator of the facility, in developing the plan, to coordinate with local emergency management agencies, unified program agencies, and local first response agencies. To the extent the bill would impose new duties on local government agencies, the bill would create a state-mandated local program. The bill would require the owner or operator of the facility to submit the plan to the county and, if applicable, the city where the facility is located.

Position: S2

SB 279

(Niello R) Administrative regulations: public participation: comment process.

Current Text: Amended: 3/21/2023 [html](#) [pdf](#)

Introduced: 2/1/2023

Status: 5/19/2023-**Failed** Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/8/2023)(May be acted upon Jan 2024)

Summary: The Administrative Procedure Act requires every agency subject to the act to submit to the Office of Administrative Law a notice of proposed action and to make available to the public a copy of an initial statement of reasons for the regulation. Current law additionally requires a state agency proposing to adopt, amend, or repeal an administrative regulation to assess the potential for adverse economic impact on California business enterprises and individuals, as specified. This bill would require a state agency to provide a minimum 21-day public comment period for purposes of determining whether the proposed adoption, amendment, or repeal of a regulation would be a "major regulation" that requires a standardized regulatory impact analysis.

Position: None

SB 642

(Cortese D) Hazardous materials: enforcement: county counsel.

Current Text: Chaptered: 9/1/2023 [html](#) [pdf](#)

Introduced: 2/16/2023

Status: 9/1/2023-Approved by the Governor. Chaptered by Secretary of State. Chapter 154, Statutes of 2023.

Summary: Current law regulates the generation, transportation, and disposal of hazardous materials. Current law authorizes the city attorney, district attorney, and the Attorney General, at the request of the Department of Toxic Substances Control or a unified program agency, to bring an action seeking to enjoin a violation of laws and regulations governing the generation, transportation, and disposal of hazardous materials. Current law specifies that every civil action brought at the request of the department or a unified program agency is to be brought by the city attorney, the county attorney, the district attorney, or the Attorney General in the name of the people of the State of California and that those actions relating to the same processing or disposal of hazardous waste may be joined or consolidated. This bill would authorize the county counsel to bring an action seeking to enjoin a violation of laws and regulations governing the generation, transportation, and disposal of hazardous materials.

Position: Support S2

Total Measures: 11