

AMENDED IN SENATE APRIL 2, 2013

SENATE BILL

No. 498

Introduced by Senator Lara

February 21, 2013

An act to amend Section ~~25253~~ 25251 of the Health and Safety Code, relating to hazardous materials.

LEGISLATIVE COUNSEL'S DIGEST

SB 498, as amended, Lara. Hazardous materials: green chemistry.

Existing law, part of the hazardous waste control laws, requires the Department of Toxic Substances Control to adopt, by January 1, 2011, regulations to establish a process by which chemicals of concern in *consumer* products, and their potential alternatives, are evaluated to determine how best to limit exposure or to reduce the level of hazard posed by a chemical of concern. The regulations are required to specify actions that the department may take following the completion of the analysis. *Existing law defines the term "consumer product" for purposes of those requirements and excludes from that definition certain devices, materials, food, packaging, and pesticides.*

This bill would ~~make nonsubstantive changes to that provision~~ *additionally exclude from the definition of consumer products a motor vehicle with a gross vehicle weight rating of less than 14,000 pounds, and that motor vehicle's component or replacement parts.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25251 of the Health and Safety Code is
2 amended to read:

3 25251. For purposes of this article, the following definitions
4 shall apply:

5 (a) “Clearinghouse” means the Toxics Information
6 Clearinghouse established pursuant to Section 25256.

7 (b) “Council” means the California Environmental Policy
8 Council established pursuant to subdivision (b) of Section 71017
9 of the Public Resources Code.

10 (c) “Office” means Office of Environmental Health Hazard
11 Assessment.

12 (d) “Panel” means the Green Ribbon Science Panel established
13 pursuant to Section 25254.

14 (e) “Consumer product” means a product or part of the product
15 that is used, brought, or leased for use by a person for any purposes.
16 “Consumer product” does not include any of the following:

17 (1) A dangerous drug or dangerous device as defined in Section
18 4022 of the Business of Professions Code.

19 (2) Dental restorative materials as defined in subdivision (b) of
20 Section 1648.20 of the Business and Professions Code.

21 (3) A device as defined in Section 4023 of the Business of
22 Professions Code.

23 (4) A food as defined in subdivision (a) of Section 109935.

24 (5) The packaging associated with any of the items specified in
25 paragraph (1), (2), or (3).

26 (6) A pesticide as defined in Section 12753 of the Food and
27 Agricultural Code or the Federal Insecticide, Fungicide and
28 Rodenticide (7 United States Code Sections 136 and following).

29 (7) A motor vehicle, as defined in Section 415 of the Vehicle
30 Code, with a gross vehicle weight rating of less than 14,000
31 pounds, as defined in subdivision (a) of Section 350 of the Vehicle
32 Code, and that motor vehicle’s component or replacement parts.

33 (f) ~~This section shall become effective on January 1, 2012.~~

34 ~~SECTION 1. Section 25253 of the Health and Safety Code is~~
35 ~~amended to read:~~

36 ~~25253. (a) (1) On or before January 1, 2011, the department~~
37 ~~shall adopt regulations pursuant to this section that establish a~~
38 ~~process for evaluating chemicals of concern in consumer products,~~

1 and their potential alternatives, to determine how best to limit
2 exposure or to reduce the level of hazard posed by a chemical of
3 concern, in accordance with the review process specified in Section
4 25252.5. The department shall adopt these regulations in
5 consultation with all appropriate state agencies and after conducting
6 one or more public workshops for which the department provides
7 public notice and provides an opportunity for all interested parties
8 to comment.

9 (2) The regulations adopted pursuant to this section shall
10 establish a process that includes an evaluation of the availability
11 of potential alternatives and potential hazards posed by those
12 alternatives, as well as an evaluation of critical exposure pathways.
13 This process shall include life cycle assessment tools that take into
14 consideration, but shall not be limited to, all of the following:

- 15 (A) Product function or performance.
- 16 (B) Useful life.
- 17 (C) Materials and resource consumption.
- 18 (D) Water conservation.
- 19 (E) Water quality impacts.
- 20 (F) Air emissions.
- 21 (G) Production, in-use, and transportation energy inputs.
- 22 (H) Energy efficiency.
- 23 (I) Greenhouse gas emissions.
- 24 (J) Waste and end-of-life disposal.
- 25 (K) Public health impacts, including potential impacts to
26 sensitive subpopulations, including infants and children.
- 27 (L) Environmental impacts.
- 28 (M) Economic impacts.

29 (b) The regulations adopted pursuant to this section shall specify
30 the range of regulatory responses that the department may take
31 following the completion of the alternatives analysis, including,
32 but not limited to, any of the following actions:

- 33 (1) Not requiring any action.
- 34 (2) Imposing requirements to provide additional information
35 needed to assess a chemical of concern and its potential
36 alternatives.
- 37 (3) Imposing requirements on the labeling or other type of
38 consumer product information.
- 39 (4) Imposing a restriction on the use of the chemical of concern
40 in the consumer product.

- 1 ~~(5) Prohibiting the use of the chemical of concern in the~~
2 ~~consumer product.~~
- 3 ~~(6) Imposing requirements that control access to or limit~~
4 ~~exposure to the chemical of concern in the consumer product.~~
- 5 ~~(7) Imposing requirements for the manufacturer to manage the~~
6 ~~consumer product at the end of its useful life, including recycling~~
7 ~~or responsible disposal of the consumer product.~~
- 8 ~~(8) Imposing a requirement to fund green chemistry challenge~~
9 ~~grants where no feasible safer alternative exists.~~
- 10 ~~(9) Any other outcome the department determines accomplishes~~
11 ~~the requirements of this article.~~
- 12 ~~(e) The department, in developing the processes and regulations~~
13 ~~pursuant to this section, shall ensure that the tools available are in~~
14 ~~a form that allows for ease of use and transparency of application.~~
15 ~~The department shall also make every feasible effort to devise~~
16 ~~simplified and accessible tools that consumer product~~
17 ~~manufacturers, consumer product distributors, consumer product~~
18 ~~retailers, and consumers can use to make consumer product~~
19 ~~manufacturing, sales, and purchase decisions.~~