

SENATE THIRD READING
SB 25 (Escutia)
As Amended September 2, 1999
Majority vote

SENATE VOTE :25-14

ENVIRONMENTAL SAFETY 6-0 NATURAL
RESOURCES 9-0

Ayes: Jackson, Bock, Cunneen, Lempert Washington, Wiggins	Ayes: Wayne, Dickerson, Jackson, Keeley, Shelley, Machado, Migden, Robert Pacheco, Steinberg
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APPROPRIATIONS 14-7

Ayes: Migden, Cedillo, Davis, Hertzberg, Kuehl, Papan, Romero, Kelley, Steinberg, Thomson, Wesson, Wiggins, Wright, R., Aroner		
Nays: Brewer, Ackerman, Ashburn, Campbell, Maldonado, Runner, Zettel		

SUMMARY : Directs the state Air Resources Board (ARB) to ensure that air quality standards and control measures protect children and establishes a Children's Health Center within the California Environmental Protection Agency (CalEPA). Specifically, this bill :

1) Finds that children possess unique biological and behavioral characteristics that make them more susceptible to the acute and chronic impacts from exposure to toxic air contaminants (TACs).

- 2) Requires the Office of Environmental Health Hazard Assessment (OEHHA) to assess and make recommendations to ARB, with focus on infants and children, regarding: a) any unique exposure patterns; b) any special susceptibilities; and, c) any synergistic effects resulting from the simultaneous exposure to multiple air toxicants. These recommendations shall be considered by ARB when adopting ambient air quality standards (standards).
- 3) Directs ARB and OEHHA to review all existing health-based standards by December 31, 2000, to determine if they protect public health, including that of infants and children, with an ample margin of safety.
- 4) Directs OEHHA to report to the Legislature and the Governor by December 31, 2001, on progress being made by ARB and OEHHA to implement this act and make recommendations for any regulatory and statutory changes needed to carry out the intent of the act to protect children.
- 5) Requires ARB to revise the highest priority standard deemed to be inadequate to protect infants and children by December 31, 2002. After that, ARB shall revise the standards determined to be inadequate at a rate of at least one per year.
- 6) Directs ARB to examine the air quality monitoring network, and by January 1, 2003:
 - a) Evaluate the adequacy of the current monitoring network to determine the exposure to infants and children by air pollutants;
 - b) Identify areas where the monitoring is inadequate to measure children's exposure;
 - c) Make recommendations to improve air pollution monitoring networks and data collection to better reflect children's

exposure; and,

- d) Expand its monitoring program to include special monitoring near schools, day care centers, and recreational parks near or downwind to major industrial sources of air pollutants, as well as major traffic areas.

5) Requires OEHHA, when asked by ARB, to evaluate health effects

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on children of substances that may be determined to be TACs.

- 6) Directs OEHHA, in consultation with ARB and the Scientific Review Panel, to develop a list of up to five toxic air contaminants by July 1, 2001, that may cause infants and children to be especially susceptible to illness. This list shall be reviewed by the Scientific Review Panel.
- 7) Requires ARB to review and revise control measures for the TACs in order to reduce exposure to those TACs, within two years of creation of the list. Within three years of the creation of the list, ARB shall prepare a report on the need for further regulations and adopt control measures to reduce children's exposure.
- 8) Requires OEHHA, beginning on July 1, 2004, to annually evaluate at least 15 TACs selected by ARB. OEHHA shall update that list annually thereafter based on the review.
- 9) Requires the South Coast Air Quality Management District (SCAQMD), to the extent feasible and upon request, to notify daycare centers whenever federal ambient air pollution standards are exceeded.
- 10) Creates the Children's Environmental Health Center within CalEPA to:
- a) Advise the Secretary and the Governor on environmental health matters as they affect children;
 - b) Assist boards and departments to assess the effectiveness of statutes and programs in protecting children; and,
 - c) Coordinate regulatory programs, research and data collection as well as state and federal programmatic services.

FISCAL EFFECT : According to the Assembly Appropriations Committee analysis, first year costs around \$600,000 in fiscal year 2000 to 2001 from the General Fund.

COMMENTS : Sponsors assert that it is crucial to consider the impacts on children when determining the exposure limits to air toxicants because infants and children have unique

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characteristics that make them particularly susceptible to these environmental health hazards. For instance, dose exposures tend to be greater for children than adults because the ratio between their breathing rate to body weight and lung surface area is higher than for adults. Children also tend to get greater exposure to TACs because they spend more time outdoors than most adults, especially in the summer.

Resetting Ambient Air Quality Standards for Children: Under existing law, when ARB is setting ambient air quality standards for health reasons, it is supposed to consult with OEHHA. OEHHA's recommendations required by this measure must consider the unique exposure patterns and susceptibilities of children. OEHHA does not need to conduct original research as it assessment shall be done "to the extent information is available." The bill specifically retains the ability of ARB to consider information other than the recommendations of OEHHA when setting ambient health standards.

Scientific and Peer Review: Opponents to earlier versions of this measure felt that there was insufficient independent and scientific review of the methods used to implement this program. The author has made amendments to address this concern by requiring two different types of review regarding the methods used by OEHHA depending on the type of activity it is

conducting:

- 1)The methods used by OEHHA to make recommendations used by ARB when setting ambient air quality require the same external peer review as that for adoption of regulations; and,
- 2)When OEHHA is generating the list of TACs that may pose special risk for children which will be used in revising control measures, its methods require approval by the Scientific Advisory Panel.

The measure has been amended to contain a provision which matches SB 1195 (Hayden) to conform conflicting sections if both measures pass. This section would provide that the SCAQMD would collect data on particulate matter (PM) 2.5 levels in excess of the federal 24 hour standards, and, if feasible, to notify daycare centers whenever federal ambient air pollution standards for PM 2.5 are exceeded in a 24 hour period.

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